

**ENFIELD CONSERVATION COMMISSION/
INLAND WETLAND & WATERCOURSES COMMISSION
TUESDAY, NOVEMBER 17, 2009**

*****REGULAR MEETING @ 7:00 P.M.*****

*****PUBLIC HEARING, if applicable @ 7:30 P.M.*****

******ENFIELD ROOM******

**ENFIELD TOWN HALL
820 ENFIELD STREET
ENFIELD, CT**

INFORMATION PACKET

AGENDA
MEETING OF THE
ENFIELD INLAND WETLANDS AND WATERCOURSES AGENCY
TUESDAY, November 17, 2009 – **7:00 pm**
REGULAR MEETING
*******Enfield Room*******
***** ENFIELD TOWN HALL *****
*** 820 ENFIELD STREET***
** ENFIELD, CT 06082 **

REGULAR MEETING

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Executive Session
(Matters regarding specific employees, pending litigation, acquisition of real estate and / or matters exempt from disclosure requirements)
5. Public Participation - Issues of concern not on the agenda
6. Correspondence
 - a. The Habitat, CACIWC Annual Meeting Flyer and CTI LID Workshop Flyer
 - b. Articles: Rooftop living at its greenest atop Windsor library, Gant Plaza gets hybrid green roof and Topsoil for Constructed Wetlands
 - c. CWWA : Developing Stream flow Regulations in Connecticut
 - d. Play Road Update from Town Engineer
 - e. Listing of Locations of Escarpment/Erosion Issues
7. Commissioner's Correspondence
 - a. Site Visit Updates
8. Approval of Minutes –October 6, 2009 & October 13, 2009
9. Wetlands Agent Report
10. Old Business
11. New Business
 - a. **IW-528 Ryan Brady Enterprises** – Requesting a permit to construct a ± 4,096 sf building addition with associated loading docks and access drives with the regulated area at 21 Manning Road (Map 34, Lot 13). Submitted 10/02/09, received 10/13/09, PPE 10/27/09, **MAD 12/17/09**.
 - b. **IW-529 Marshall & Nancy Butler** – Requesting a permit to deposit soil within the regulated area, which has already been conducted at 8 & 10 Sharp Street (Map 67, Lot 417 & 414). Also requesting to remove a portion of deposited materials from regulated area. Submitted 10/05/09, received 10/13/09, PPE 10/27/09, **MAD 12/17/09**.

- c. **IW-530 David & Sandra Pino** – Requesting a permit to deposit soil within the regulated area, which has already been conducted at 1 Keen Court (Map 67, Lot 417). Also requesting to remove deposited materials from regulated area, stabilize all exposed soil and install plantings. Submitted 10/05/09, received 10/13/09, PPE 10/27/09, **MAD 12/17/09.**
- d. **IW-531– Frank Camerota of Camerota Truck Parts** - is requesting an permit to conduct remediation activities at 249 Shaker Road (Map 94, Lot 11), some of which have already been conducted, within the regulated area. Submitted 10/13/09, received 10/13/09, PPE 10/27/09, **MAD 12/17/09.**

12. New Applications to be Received

- a. **IW-441.02 – Washington Associates of Enfield, LLC** – is requesting an extension of their existing permit IW-441 proposing to construct a 42-Unit Senior Residential Development (Brainard Gardens) within 100 feet of wetlands. Properties located at 266, 274 and 284 Brainard Road (Map 62 Lot 319 and Map 77 Lots 67 and 68). Submitted 10/14/09, received 11/17/09, PPE 11/15/09, **MAD 1/21/10.**
- b. **IW-532 – Aldi, Inc.** - is requesting a permit to construct a truck dock and associated activities within the regulated area at 25 Hazard Avenue (map 45, lot 8). Submitted 10/30/09, received 11/17/09, PPE 11/15/09, **MAD 1/21/10.**

13. Other Business

- a. 2010 IWWA Meeting Schedule
- b. IWWA Fines Ordinance
- c. IWWA Fee Schedule
- d. IWWA Regulation Revisions
- e. **Next regular meeting is Tuesday, December 1, 2009 at 7:00PM in the Council Chambers.**

14. Adjourn

Acronym Key for Dates:

Submitted	= Day it was Logged in by the Appropriate Town Office.
Rec'd	= Received (Date of First Regular Meeting after the day of submission or 35 days, which ever is sooner)
PPE	= Petition Period Ends (14 Days from Receipt)
MAD	= Mandatory Action Date (65 Days from Receipt)
EMAD	= Extended Mandatory Action Date (Any combination up to 65 days from original MAD)
MPHCD	= Mandatory Public Hearing Closing Date (35 Days from opening of the public hearing)
EMPHCD	= Extended Mandatory Public Hearing Closing Date (Any combination up to 65 Days from first MPHCD)
MPHAD	= Mandatory Public Hearing Action Date (35 Days after close of the public hearing)
EMPHAD	= Extended Mandatory Public Hearing Action Date (Any combination up to 65 Days from first MPHAD)

*Applicant can consent to extend the time frame for any of the steps but the total of all extensions together cannot exceed 65 days

***** CORRESPONDENCE *****

SUMMER 2009

Volume 21

Number 3

CACIWC's 32ND
ANNUAL MEETING
& ENVIRONMENTAL
CONFERENCE
OFFERS ADVANCED
ADMINISTRATIVE,
LEGAL, AND
SCIENTIFIC SESSIONS
FOR CONSERVATION
& WETLANDS
COMMISSIONERS AND
AGENTS

In response to your requests, several advanced administrative, legal, and scientific workshops are offered for experienced inland wetlands and conservation commissioners. See workshops B1, A2, D2, & D3.

PLUS!

A municipal grant information and discussion session for conservation, inland wetlands commissioners and agents has been organized by the DEP NonPoint Source Project and Wetlands Management Section. See workshop D3. See pages 8 & 9 for the complete list of workshops.

There is still time to submit your nominations for a CACIWC annual award! See page 16 or www.CACIWC.org for more information.

THE HABITAT

A newsletter of the Connecticut Association of Conservation and Inland Wetlands Commissions, Inc.



Patrick M. Comins, Director of Bird Conservation, Audubon Connecticut, to Address CACIWC'S Annual Conference



Patrick M. Comins will be the keynote speaker at CACIWC's 32nd Annual Meeting and Environmental Conference on Saturday, November 14, 2009, at MountainRidge in Wallingford. Mr. Comins will emphasize the conference theme of "Working Together to Preserve Connecticut's Key Habitats."

The role of municipalities in protecting key wildlife habitats is growing ever more important in today's uncertain fiscal climate. Current state and federal laws designed for protecting wildlife may not always be successful in preserving important habitats. In his keynote address, "*The Role of Municipalities in*

Preserving Threatened Bird Habitats in Connecticut", Patrick Comins will discuss ways that municipalities can safeguard key habitats while preserving Connecticut's scenic heritage that helps make your city or town an attractive place to live. He will emphasize the value of a proactive approach, using state and regional partners to help maintain conservation efforts in this era of diminishing resources.

Mr. Comins is a graduate of Trinity College in Hartford, and has worked in the bird conservation arena for the last 15 years. He began his career with the Connecticut Audubon Society doing bird surveys at the McKinney National Wildlife Refuge, and then worked for the U.S. Fish and Wildlife Service as a biological technician at the Refuge. He has been with Audubon Connecticut as the Director of Bird Conservation for Connecticut since 2000, overseeing Connecticut's Important Bird Areas program.

Patrick is the principal author of *Protecting Connecticut's Grassland Heritage*, and Vice President of the Connecticut Ornithological Association. He was the 2007 recipient of their Mabel Osgood Wright Award. He was also formerly on the board of directors for the Hartford Audubon Society and continues to work closely with them. He has written several articles on bird conservation and identification for the *Connecticut Warbler* and is a founding member of the Connecticut Forestlands

Council and current chair of the Connecticut Forest Ecosystem Health Committee, as well as a member of the Executive Committee of the Friends of the Silvio O. Conte National Fish and Wildlife Refuge.

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Editor's Note: Conservation Commissions across the state have utilized the inspirational draw of forests, fields and wetlands to engage their community in preserving open space for walking, hiking and discovery. The motivating message has been to protect lands that are high in natural resource value, high in recreational potential and linked with other protected lands to create greenways that connect people to open spaces. WalkCT expands that theme to promote the public health aspects of walking and hiking in natural as well as urban settings. WalkCT is an opportunity to link with a new program that has the expertise to assist commissions who would like to include the health benefits of open space in their local program.



by Leslie Lewis, WalkCT Coordinator

Across the nation, there is troubling evidence of public health issues created by the sedentary lifestyle of too many Americans. This is coupled with a growing disconnect between our society and the land. We at the Connecticut Forest & Park Association believe we have a singular opportunity to address these concerns.

With an exceptional trail system, remarkable natural resources and a high density population, Connecticut is in a unique position to take a leadership role nationwide in reclaiming the public health. The Connecticut Forest & Park Association is introducing WalkCT, an initiative that will bring the outdoors to the feet of every household in the state.

Our vision is of a state where urban, suburban and rural populations take to sidewalks, parks, trails and greenways in a sweeping community venture to take charge of individual health and happiness. We envision a place where every citizen, regardless of means, can experience a sense of ownership and connection with the land. We hope that WalkCT will serve as a model health program that will spark the beginning of a sea change in the national health. A start-up grant from the Connecticut Department of Public Health is helping us to put these plans into action.

There are over 1000 miles of trails around the state, with many brochures and websites describing them. There are numerous organizations and sites promoting the programs of the specific organization. However, there is no central, dedicated "clearinghouse" where the average citizen can go to find information on the

types of trails (and other walking routes) available to the public, their locations, allowable uses, and points of special interest. WalkCT will gather this information into one place, providing people with a comprehensive, easy to use website listing walking (and cycling, riding, blading, etc) opportunities. Links to other organizations and lists of resources will be included. The site will include tips on safety and getting started for the "wary walker." A link to Facebook will be available for people to post thoughts about their favorite walking places, and to share their challenges and successes in making walking a part of their lives.

If all of this sounds positive to you, you might ask where Conservation Commissions fit into the picture. If your commission develops/manages trails in your town, or if you are interested in getting other walking opportunities in your community listed on WalkCT, you can register them on-line. You can go to the WalkCT website, www.walkct.org, then click on register your location or event at the bottom of the page. If you are not the actual trail sponsor (maybe it's the Park and Recreation or Land Trust folks), encourage them to sign up. In addition we will be looking for unique projects, great trails, and interesting individuals to profile in our articles.

WalkCT staff have unique experience in trail advocacy, development, and maintenance that can be shared with communities around Connecticut through technical assistance and other education/outreach efforts. Our goal is to locate a trail or walking opportunity within 15 minutes of every home in the state and to link these trails to every city.

Walk, continued on page 12

Editor's Note: This article describes some key steps in developing an EPA-approved watershed-based plan, using the recently completed Tankerhoosen River Watershed Management Plan. See Part I in the Spring 2009 issue of "The Habitat." The approved Plan is now posted on the DEP website. The direct link is: http://www.ct.gov/dep/lib/dep/water/watershed_management/wm_plans/tankerhoosen/tankwp_final.pdf

Watershed Management Planning

Part II: The Tankerhoosen River Watershed Management Plan

by Erik Mas, Kristine Baker, and Philip Moreschi, Fuss & O'Neill, Inc.

The Tankerhoosen River, in Vernon Connecticut, has long been recognized as an important natural resource and a key inland watershed critical to the health of Long Island Sound. The high water quality in the upper regions of the Tankerhoosen River sustains a significant natural resource of the State of Connecticut – the Belding Wild Trout Management Area, one of only two Class I wild trout areas east of the Connecticut River. Development pressure in the upper reaches and declining water quality in the lower reaches of the Tankerhoosen River underscored the need for a comprehensive, scientifically-based watershed management plan to address these issues.

Assessing Baseline Watershed Conditions

The first step in developing a comprehensive watershed management plan is to identify the current characteristics of the watershed and inventory the watershed's natural and physical resources. This basic watershed assessment establishes a baseline of watershed conditions to begin identifying problems and potential improvements to address these problems.

The basic steps in performing a baseline watershed assessment include:

- Delineate and map the watershed and subwatershed boundaries;
- Review existing watershed data, studies, and reports;
- Contact the watershed municipalities, and the regional planning organizations regarding available land use information, mapping, and land use planning regulations;
- Inventory and map the natural resources in the watershed including hydrology, water quality, wetlands and watercourses, fish and wildlife resources and habitat;
- Inventory and map the drainage systems in the watershed;

- Inventory and map land use and land cover;
- Inventory and map soils;
- Describe the geological and historical perspective of the watershed;
- Inventory and map watershed modifications including dams, water supply, wastewater discharges, and regulated sites.

This type of information may already be available in paper or GIS format from the DEP, the Natural Resources Conservation Service, regional planning organizations, and municipal offices such as planning and zoning, inland wetlands, and public works.

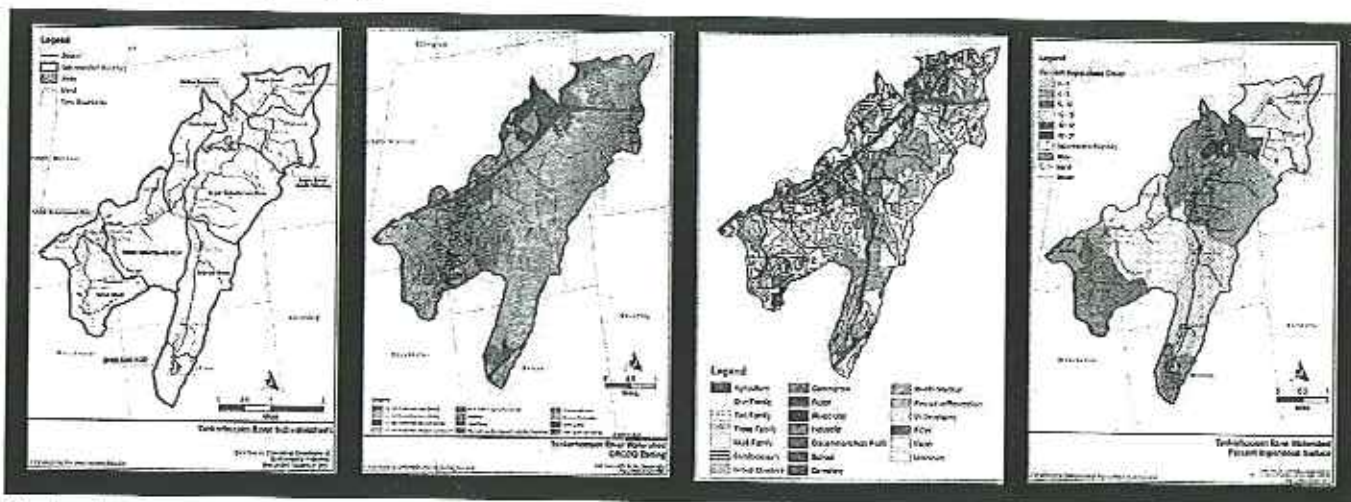
The Tankerhoosen River watershed baseline assessment also included an evaluation of existing and future pollutant loads, impervious cover, and vegetative cover along stream corridors using a watershed buildout scenario to evaluate areas in the watershed that are most at-risk from future development. The results of these analyses confirmed that several of the key headwater streams are predicted to experience a significant decline in stream health under a worst-case future development scenario.

A comparative subwatershed analysis was also performed to identify the Tankerhoosen River subwatersheds that 1) are more sensitive to future development and should be the focus of watershed conservation efforts to maintain existing high-quality resources and conditions and 2) are likely to have been impacted and have greater potential for restoration to improve or enhance existing conditions. The results of the comparative subwatershed analysis were used to target individual subwatersheds for field inventories.

Conducting Watershed Field Inventories

Detailed field inventories of the stream corridors and upland areas of a watershed are essential for

Watershed, continued on page 4



Tankerhoosen River watershed existing hydrology, land use, zoning, and impervious cover data.

developing a comprehensive, detailed watershed-based plan. Field inventories are screening level tools for locating potential pollutant sources and environmental problems in a watershed along with possible locations where restoration opportunities and mitigation measures can be implemented. For the Tankerhoosen River watershed, field inventories were performed in selected stream corridors and upland areas within priority subwatersheds, which were identified during the baseline watershed assessment.



Stream bank erosion identified and documented as part of the stream corridor assessments.

Using screening-level assessment procedures developed by the Center for Watershed Protection and EPA, field crews assessed

approximately 8.7 miles of stream corridors, potential hotspot land uses, and representative residential neighborhoods, streets, and storm drainage systems. The field inventories identified a number of common issues and problems, as well as potential candidate sites for stormwater retrofits, stream restoration, and other targeted projects.

The watershed field assessments are also an ideal opportunity for watershed stakeholder groups, local residents, and other volunteers to assist in walking the stream corridors and upland areas, which can enhance

public understanding and support for future watershed implementation projects.

Reviewing Land Use Regulations

Municipal land use regulations control patterns of new development and redevelopment and can play an important role in protecting water quality and other natural resources in a watershed. These commonly include local plans of conservation and development, zoning regulations, subdivision regulations, inland wetland regulations, and stormwater regulations, all of which influence the type and density of development that can occur within a watershed. Local land use regulations vary by town within a watershed, and regulations are periodically revised in response to development pressure, shifts in attitude toward natural resource protection, and political and socioeconomic factors.

A key element in the development of a watershed-based plan is to identify potential land use regulatory mechanisms (i.e., new or modified land use regulations) that can be implemented by the watershed towns to strengthen existing land use controls and better protect natural resources within the watershed. Many Connecticut communities are in the process of developing new or modified land use regulations that incorporate Low Impact Development (LID) and related stormwater management approaches such as green infrastructure to address stormwater quantity and quality objectives. Communities in urbanized areas are also faced with a mandate to meet State and Federal Phase II stormwater permit requirements under the National Pollutant Discharge Elimination System (NPDES) program, as well as addressing local

Watershed, continued on page 5

Watershed, continued from page 4

concerns about the damaging effects of increased impervious cover and uncontrolled stormwater runoff from land development and suburban sprawl.

The land-use regulatory review for the Tankerhoosen River watershed identified a number of recommendations relative to new or modified land use regulations in the watershed towns, including:

- Develop a stormwater design manual, new stormwater management standards, and new or revised stormwater regulations to promote the use of LID and green infrastructure practices in the Town of Vernon.
- Pending passage of enabling legislation by the Connecticut State legislature, adopt riparian buffer protection regulations.
- Amend zoning and subdivision regulations to enable and encourage the use of green infrastructure practices and reductions in impervious cover.

Developing Management Goals, Objectives and Recommendations

Once you have documented baseline conditions, identified the problems in the watershed, and identified and quantified the sources that need to be managed, the next step is to develop management goals, objectives, and recommendations. Management goals are typically refined based upon preliminary goals identified by the watershed stakeholders and data analysis from the previous steps. Overall watershed goals are then translated into management objectives, focusing on specific processes that can be managed.

Finally, management objectives are translated into specific plan recommendations that are tailored to issues within specific subwatersheds or areas, and site-specific recommendations to address issues at sites that are identified during the watershed field inventories.

For the Tankerhoosen River watershed, plan recommendations were classified according to their implementation priority:

- **Short-Term Recommendations** are initial actions

to be accomplished within the first one to two years of plan implementation. These actions establish the framework for implementing subsequent plan recommendations. Such actions include development of local regulations and stormwater design guidance, discharge investigations, education program planning, and field inventories within previously unassessed subwatersheds. Small demonstration restoration projects could be completed during this phase, however construction of larger retrofit practices and stream restoration projects requiring extensive design, engineering, and permitting should be

planned for later implementation.

- **Mid-Term Recommendations** involve continued programmatic and operational measures, delivery of educational and outreach materials, and construction of one or two larger retrofit and/or stream restoration projects over the next two to four years. Progress on land conservation, LID implementation, and discharge investigation follow-up activities should

Watershed, continued on page 13

Tankerhoosen River Watershed Plan Recommendations	
<u>Watershed-Wide Recommendations</u>	
•	Build a Foundation for Implementing the Plan
•	Municipal Regulations and Design Guidance
•	Illicit Discharge Detection and Elimination
•	Residential Practices
•	Municipal and Business Practices
•	Education and Outreach
•	Water Quality Monitoring Program
<u>Targeted Recommendations</u>	
•	Priority Parcels for Open Space Protection
•	Invasive Plant Species Management
•	Targeted Stormwater Outfall Retrofits
•	Watershed Fish Passage Assessments
•	Targeted Illicit Discharge Investigations
•	Additional Subwatershed Field Assessments
<u>Site-Specific Recommendations</u>	
•	Stormwater Retrofit Opportunities
•	Riparian Buffer Restoration Opportunities
•	Stream Restoration Opportunities
•	Dams and Impoundments
•	Aquatic Invasive Species Study
•	Priority Stream Cleanups



Lack of Wildlife Information Valid Basis for Wetlands Agency Denial

In my last column we took a five-year retrospective look at the change in wetlands law regarding consideration of wildlife. Since that newsletter was published, the Connecticut Supreme Court has issued a decision in Unistar Properties, LLC v. Conservation & Inland Wetlands Commission, 293 Conn. 93 (2009). The Supreme Court upheld the agency's action. The decision is helpful in instructing agencies how to go forward in the consideration of wildlife.

In Unistar Properties, LLC the Supreme Court uses the term "wildlife" to encompass only animal life. In numerous dictionaries and among the scientific community "wildlife" is deemed to encompass plant and animal life, the flora and fauna. Among lay people it is somewhat more common to limit "wildlife" to animals. I use the term "wildlife" to include both plants and animals. However, to avoid confusion in this article I will specify animals or plants and animals. Where I am quoting directly from the court decision I will use the court's wording, i.e., wildlife, meaning only animal life.

Unistar Properties, LLC, the applicant, appealed the decision of the Putnam inland wetlands agency for denying its application for a 34-lot subdivision. The agency denied the application as incomplete based on the applicant's failure to provide both a sufficiently detailed wildlife¹ inventory and an analysis of alternatives. The applicant claimed that it had provided expert testimony that there would be no adverse impacts to wetlands or watercourses. Hence, according to the applicant, the agency had no authority to seek information about plants and animals or to require the applicant to consider alternatives. The trial court dismissed the appeal, affirming the agency action. The trial court found there was substantial

evidence to support the agency's denial based on the application being incomplete.

On appeal to the Supreme Court, the applicant argued that because no one established that there would be an adverse impact to wetlands or watercourses, the agency wasn't authorized to deny an application as incomplete for the lack of information about animals. Secondly the applicant claimed that because no one had established that an impact on plants and animals would

have a physical effect on the wetlands or watercourses on the property, no plant or animal inventory could be required of the applicant.

Refer back to this column in that last issue (or pull out your town's wetlands regulations). After the Supreme Court's decision in Avalon Bay in 2003, the legislature responded in 2004 by amending § 22a-41. Subsection (d)

was added. It limits the authority of an agency to *deny or place conditions on a permit* when the proposed activity occurs outside of a wetlands or watercourse "unless such activity will likely impact or affect the physical characteristics of such wetlands or watercourses."

The agency countered that it did not deny the application because there was evidence that animal life would be adversely impacted, but because *the agency lacked sufficient information to determine whether the proposed subdivision would adversely impact the wetlands*. An environmental intervenor supported the agency's position arguing that the applicant cannot refuse to supply information to the agency simply because the *applicant* has determined there will not be an adverse impact.

The Supreme Court holds that § 22a-41 (c) "make[s] clear... the wetlands resources that a commission is charged with preserving and protection... are not limited simply to the wetlands and watercourses as containers of soil and water but encompass the aquatic, plant or animal life and habitats that exist therein."

Wildlife, continued on page 7

The Supreme Court agreed with the agency and the intervenor. The court interpreted the new provisions of the General Statutes § 22a-41. The first amendment in § 22a-41 (c) "contains a more expansive definition of wetlands and watercourses for purposes of the commission's considerations of the factors set forth in that statute for permit approval."² The definition of wetlands or watercourses is enlarged to include "aquatic, plant or animal life and habitats in wetlands or watercourses." General Statutes § 22a-41 (c). The Supreme Court holds that § 22a-41 (c) "make[s] clear . . . the wetlands resources that a commission is charged with preserving and protecting . . . are not limited simply to the wetlands and watercourses as containers of soil

and water but encompass the aquatic, plant or animal life and habitats that exist therein."³

Thus, the Supreme Court rules it is proper for an agency to deliberate on the factors for consideration

"[A] commission necessarily must be able to request, and is entitled to, information on the aquatic, plant or animal life and habitats that are part of the wetlands and watercourses, pursuant to § 22a-41 (c), as well as an assessment of impacts to those resources, along with information on any impact to plant or animal life outside the wetlands that might, in turn, impact the wetlands."

with respect to not only the physical characteristics of the wetlands resources but also with respect to "the aquatic, plant and animal life and habitats that are part of those wetlands and watercourses."⁴

Most important: "[A] commission necessarily must be able to request, and is entitled to, information on the aquatic, plant or animal life and habitats that are part of the wetlands and watercourses, pursuant to § 22a-41 (c),

as well as an assessment of impacts to those resources,

Wildlife, continued on page 10



Applied Ecology Research Institute

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CACIWC's Environmental Conference Workshops

—SESSION 1—

(* Denotes Advanced Workshop)

A1. "Advancing Land Conservation through Collaboration"

Kevin Caso, Northeast Director, Land Trust Alliance

Connecticut has the third most land trusts of any state, as well as a unique and dense mosaic of municipal and non-governmental conservation interests at the local level. As land conservation becomes more costly and complex, the opportunities to explore partnering with neighboring land trusts or local conservation commissions become more compelling. Join a discussion on how acting collaboratively might help transform your land conservation work.

*B1. "Wetlands Law in 2009: Case Law, Legislative & Regulatory Update"

Janet Brooks, Attorney at Law, LLC;
David Wrinn, CT Attorney General's Office;
Mark Branse, Branse, Willis & Knapp, LLC

This trio of wetlands attorneys will keep you current with the latest state Supreme Court and Appellate Court cases. You'll hear about an enforcement case involving the farming exemption, an agency's success story denying an application for insufficient wildlife information, and a failed attempt by an historic district commission to rely on a commission member who recused himself and testified at a public hearing.

C1. "Deer Ecology & CT's Growing Populations"

Andrew LaBonte, Wildlife Biologist
CT DEP Wildlife Division

White-tailed deer are a wildlife management success story. Connecticut populations have increased from 12 deer in 1896 to more than 65,000 in 2008. This increase can have detrimental effects on the ecological integrity of landscapes, affect populations of birds and mammals, and can cause health and safety issues for humans. This workshop will help municipal commissions and staff respond to public concerns and offer local habitat management initiatives to discourage population growth.

D1. "Connecticut Freedom of Information Update"

Thomas Hennick, Public Education Officer
CT Freedom of Information Commission

The Freedom of Information Act guarantees all citizens the right to have access to public records and public documents. The workshop will help municipal officials understand their rights and their obligations under the FOI Act. Some of the topics that are explored include: conducting executive sessions, how to manage requests for public records, and Connecticut rules regarding electronic documents, email, and the agenda.

—SESSION 2—

(* Denotes Advanced Workshop)

*A2. "The Tankerhoosen River – New Approaches for Watershed-Based Planning"

Erik V. Mas, PE, Sr. Project Manager, Fuss & O'Neill, Inc.

The Tankerhoosen River plan is one of the few approved watershed plans in Connecticut that meets the EPA guidelines (i.e., Nine Elements) to qualify for funding under Section 319 of the Clean Water Act and other federal funding programs. This presentation will describe the key steps for conservation and inland wetlands commissions and staff, including new approaches, for developing an EPA-approved watershed-based plan, using the Tankerhoosen River watershed management plan as an example.

B2. "Wetlands Law, Q&A"

Janet Brooks, Attorney at Law, LLC;
David Wrinn, CT Attorney General's Office;
Mark Branse, Branse, Willis & Knapp, LLC

The question-and-answer session you've been asking for! No presentation by the attorneys. Just your questions. Just their answers.

C2. "Connecticut Beaver Ecology: Impact on Wetlands & Watercourses"

Carrie Pomfrey, CT DEP Wildlife Division
Habitat Management Program

Although beavers can create and enhance wetlands habitats, their activities are increasingly attracting the attention of municipal leaders as their populations expand in Connecticut. This workshop will review their ecology along with permit requirements associated with their control.

*D2. "Connecticut Siting Council, Opportunities for Municipal Input"

S. Derek Phelps, Executive Director
Connecticut Siting Council

A review of the composition, jurisdiction, and review process of the Connecticut Siting Council. Opportunities for inland wetlands and other municipal land-use agencies to review and comment upon proposed projects being evaluated by the Siting Council will be discussed, as well as ways in which conservation commissions and other agencies may formally participate in the Council's adjudicatory process, including the important "pre-file" process.

Open Space/
Resource Conservation

Wetlands Law Update

Conservation Biology

Commission
Administration

Saturday, November 14, 2009

—SESSION 3—

(* Denotes Advanced Workshop)

A3. "Harvesting Success in Farm-Friendly Towns"

Jiff Martin, Connecticut State Director, American Farmland Trust & Joan Nichols, Government Relations Specialist, Connecticut Farm Bureau Association

A review of the latest crop of farm-friendly municipalities, examining steps these communities have taken in the past year toward farmland preservation and farm-friendly zoning. Examples include towns that have adopted right-to-farm ordinances, tax abatement programs, agriculture commissions, and more. Featured towns to be discussed include: Durham, North Stonington, Coventry, Guilford, Lebanon, and Woodstock as well updates from towns in the AgVocate Project in Northeast Connecticut.

B3. "Wetlands Commission Procedures, an Update"

Mark Branse, Branse, Willis & Knapp, LLC

This workshop will focus on the procedural aspects of permit applications, such as drafting of the legal notices, conduct of the public hearing, conflict of interest/ predetermination claims, environmental interventions, site walks, the role of experts, and jurisdictional issues. This program is recommended if you haven't taken the DEP Wetlands Training Segment II course or if you would like an update.

C3. "Re-Moving a Mile-a-Minute in Connecticut"

Logan Senack, CT Invasive Plant Coordinator, University of Connecticut

Mile-a-minute vine (*Persicaria perfoliata*), a highly invasive annual plant listed on the CT Invasive Plant List, was first reported in Connecticut in Greenwich in 2000. Since then, it has spread to 17 Connecticut towns and to other New England states. This workshop will focus on the biology and spread of mile-a-minute vine in CT and will cover proper identification, reporting and control of the vine.

***D3. "DEP Nonpoint Source Project Grant Opportunities, Low Impact Development Initiatives & Wetlands Agent Forum"**

MaryAnn Nuscom-Haverstock, DEP Nonpoint Source Project & DEP Wetlands Management Section staff

The workshop will describe the CT DEP Nonpoint Source Project, outline opportunities for municipal grants, review recent advances in low impact development initiatives, and discuss the role of conservation commissions, inland wetlands agencies and other municipal commissions in these programs. It will also provide a forum for wetlands agents and commissioners to raise issues that can be addressed by DEP Wetlands Management Section staff.

ENVIRONMENTAL PLANNING SERVICES

Wetland, Biological and Soil Surveys,
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Wildlife, continued from page 7

along with information on any impact to plant or animal life outside the wetlands that might, in turn, impact the wetlands.”⁵

The applicant held the position that § 22a-41 (d) prohibited the agency from requesting information on plants and animals when there is no evidence of a change in the physical characteristics of a wetland. Not so, said the Supreme Court. “Nothing in § 22a-41 (d) prohibits a commission from requesting information on wildlife in order to determine *whether* the proposed activity either will ‘affect the physical characteristics of such wetlands’ or will impact wildlife outside the wetlands that in turn will ‘affect the physical characteristics of such wetlands.’”⁶ The decision of whether a project will impact wetlands resources is a factual determination “that only the commission is empowered to make and what cannot be reached in the absence of such [wildlife] information.”⁷

This court holding is tremendous support for agencies in carrying out their duties. An agency doesn’t need to make a preliminary finding of impact to request a inventory of plant and animal life. It is the inventory

itself that is needed to make the determination of impact to wetlands resources. The court also authorized the submission of information on plant and animal life *in the upland review area* to determine if such an impact in the upland review area might impact wetlands.

Are there limits to how far from wetlands an agency may properly seek information about plant and animal life? Of course. The court warns that if the area for which an inventory of animal life is sought “is so remote and makes it so unlikely that the activity could have any effect on the wetlands that it would be arbitrary and capricious for the commission to impose such a demand on the applicant.”⁸

Finally, the Supreme Court settles the score on who has the burden of proof regarding a permit application. It is the applicant. The applicant argued that no inventory of plant and animal life could be required until someone had first offered evidence that an impact on plant and animal life could cause a change to the physical characteristics of wetlands. The court said no. The applicant impermissibly shifted the burden from the applicant to the commission and placed “the commission in the role of disproving the [applicant’s]

Wildlife, continued on page 11



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assertion rather than evaluating information presented to [the commission] . . .”⁹

The Supreme Court went painstakingly through the transcripts of four nights of public hearings and what evidence was offered by the applicant, intervenor and the agency. During the hearings an agency member specifically asked for alternatives to the proposal which would limit water flowing to a vernal pool. The applicant rejected the request for alternatives stating since there was no impact to the wetlands, the applicant was not required to submit alternatives. The agency’s expert identified deficiencies in the application, namely lack of identification of animal species in the wetlands and drainage information. When the applicant responded the inventory was general and not keyed to specific wetlands on the property.

The Supreme Court found it significant that the agency’s regulations authorized the agency to require a wildlife inventory. Moreover, the regulations do not require the agency to find an adverse impact to the wetlands, before requesting an inventory.

The applicant’s last hope was to argue that it was entitled to be remanded, sent back, to the agency to allow the applicant another opportunity in this application proceeding to offer the requested information on animal life. The applicant clung to the argument that it wasn’t on notice what the agency wanted. The court made short shrift of that claim, referring to the numerous opportunities that it was given to respond to agency concerns during the public hearing process.

Why does this case support the agency when in the recent past the Supreme and Appellate Courts have thrown out numerous wetlands agency denials? The big distinction: this denial was based on lack of information from the applicant. Previous denials have involved the agency making findings of adverse impact or voting down applications without making a finding of adverse impact. The similarity in all of these cases is that the Supreme Court is continuing to look for “substantial evidence” to support the agency denial. The court hasn’t found substantial evidence where an agency relied on vague, general or speculative evidence of an adverse impact. The court in Unistar found substantial evidence for the agency to require more

information that in turn allows the agency to make the factual determination of adverse impact.

The Supreme Court has ruled that the 2004 revisions to the wetlands act are a source of authority for agencies to rely on in gathering information on plant and animal life. The court has thwarted any attempt by the applicant to shift the burden of proof away from the applicant and onto the agency. The next challenge is for agencies who receive the information they have sought to base denials on substantial evidence. The Supreme Court has solidly affirmed the right to gather the information, which is a valuable tool in protecting Connecticut’s wetlands and watercourses.

Janet Brooks, Attorney at Law, LLC

(Endnotes)

1 Sorry, we don’t know from the court decision whether the agency was referring to “animals” or “plants and animals,” so I am using the word the Supreme Court used in its decision. It is clear from reading the decision that the applicant understood the word “wildlife” to encompass plants and animals. From the information given in the court ruling, it is not clear what the agency was referring to.

2 Unistar Properties, LLC v. Conservation & Inland Wetlands Commission, 293 Conn. 93, 109 (2009).

3 Unistar Properties, LLC v. Conservation & Inland Wetlands Commission, 293 Conn. 93, 109 (2009).

4 Unistar Properties, LLC v. Conservation & Inland Wetlands Commission, 293 Conn. 93, 110 (2009).

5 Unistar Properties, LLC v. Conservation & Inland Wetlands Commission, 293 Conn. 93, 110 (2009).

6 Unistar Properties, LLC v. Conservation & Inland Wetlands Commission, 293 Conn. 93, 111 (2009).

7 Unistar Properties, LLC v. Conservation & Inland Wetlands Commission, 293 Conn. 93, 111 (2009).

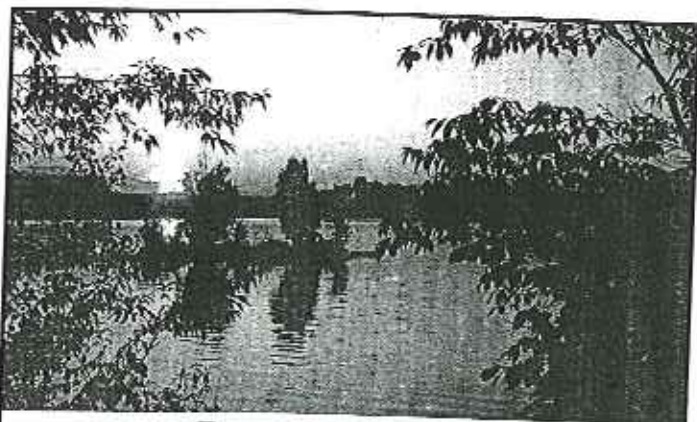
8 Unistar Properties, LLC v. Conservation & Inland Wetlands Commission, 293 Conn. 93, 111 n. 15 (2009).

9 Unistar Properties, LLC v. Conservation & Inland Wetlands Commission, 293 Conn. 93, 112 (2009).



Fall 2009 - DEP Inland Wetlands Commissioners Training Program

The Department of Environmental Protection's 2009 Segment 3 Municipal Inland Wetlands Commissioners Training Program will be offered at the end of October through the beginning of November. This year's Segment 3 theme is agriculture, including forestry. Segment 3 will begin with morning classroom presentations followed by an afternoon field visit to further discuss the topic. It is expected that two forestry workshops will be offered, one in Norfolk and one in Marlborough. In addition, DEP hopes to offer two other agriculture related workshops, a dairy operation in Lebanon and an equestrian facility in Redding. Due to workshop size limitations participants will be asked to sign up for one workshop of their choosing. Details, including dates, are currently being planned. As information becomes available it will be posted on the following website: <http://continuingstudies.uconn.edu/professional/dep/wetlands.html>.



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WalkCT will bring to people from all backgrounds the experience of connecting with the land, fostering lifelong interest and responsibility for its wellbeing. WalkCT will provide people with an outdoor experience within their comfort zone. Working with our many partners, we will promote Connecticut as a tourist destination where visitors come to hike and walk, to stay in our hotels and inns, to dine at our restaurants, and to visit our cultural and historic sites. WalkCT will encourage walking and biking as real transportation alternatives around our communities and our schools.

If your commission is interested in WalkCT and would like to hear more about it, staff are available for presentations. We ask that you invite other potentially interested parties in your town (planners, health department, economic development/chambers of commerce, park and rec), and particularly your mayors and selectmen to attend. For more information contact me at llewis@ctwoodlands.org, or call CFPA at 860-346-2372. We can help you get started on the path to healthier, happier communities.

be completed during this period, as well as project monitoring and tracking.

- **Long-Term Recommendations** consist of continued implementation of any additional projects necessary to meet watershed objectives, as well as an evaluation of progress, accounting of successes and lessons learned, and an update of the watershed management plan. Long-term recommendations are intended to be completed during the next 5- to 10-year timeframe and beyond.

The watershed-based plan also includes cost estimates for the recommendations, anticipated pollutant load reductions, an implementation schedule with milestones, and available funding sources for implementing the watershed plan.

Where to Get Additional Help

With the prospect of additional federal stimulus funding on the horizon and a continued movement toward sustainability and green infrastructure, developing a comprehensive watershed-based plan is more important than ever for obtaining funding to restore and protect water resources in Connecticut.

If you are interested in learning more about developing watershed-based plans, please contact us at 860-646-2469 x4433 or emas@fando.com. Additional information is also available from the following sources:

Connecticut Department of Environmental Protection Watershed Management and Coordination Program (860-424-3020), http://www.ct.gov/dep/cwp/view.asp?a=2719&q=325628&depNav_GID=1654&depNav.

U.S. Environmental Protection Agency "Handbook for Developing Watershed Plans to Restore and Protect Our Waters", http://www.epa.gov/owow/nps/watershed_handbook/pdf/handbook.pdf.

Center for Watershed Protection, Urban Subwatershed Restoration Manual Series, <http://www.cwp.org/Store/usrm.htm>.

Plan Contributors: Fuss & O'Neill and the Friends of the Hockanum River Linear Park, in conjunction with the Town of Vernon, the North Central Conservation District, Rivers Alliance of Connecticut, the Hockanum River Watershed Association, and the Belding Wildlife Trust.

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Remembering Allan Noam Williams

by Tom ODell

Allan died June 26, 2009 of pancreatic cancer. He was a true and dedicated environmentalist who is missed by the many people that his generosity and friendship touched.

Allan was a good friend and big supporter of CACIWC, always willing to help if he could. It was, "If I can, I do." He first met CACIWC when he worked in DEP's Natural Resource Center. We tapped into his editing and publishing skills, first for ideas to enhance CACIWC's newsletter, *The Habitat*, then later with his encouragement to update the conservation commission handbook, which was originally written and produced by DEP. Allan's persistence and publishing skills were significant contributions to the 1998 3rd Edition of *The Handbook for Conservation Commissions*.

It was always a learning experience to chat with him in his DEP cubicle surrounded by environmental publications he was working on. He was generous with his time and thoughtful in replies to my countless questions. And the puns? They were pun-ishing but always kept the smile on my face.

Allan founded the DEP Book Store and brought the "best of Connecticut" publications to CACIWC's annual environmental conference for display and purchase—he wanted everyone to have an opportunity to explore and get to know Connecticut's beautiful wild and scenic landscapes and the critters that lived there.

In the fall of 2007 CACIWC contracted with Allan to guide the Board of Directors in development of a Strategic Plan. Some may remember being collared by Allan at the 2007 Environmental Conference to fill out a questionnaire to assist in development of the Plan. The Plan was completed in May 2008. It seems like only yesterday, but it was a life time ago.

Allan's passion for environmental causes, his generosity, his leadership and creativity will stand the test of time. Allan will be remembered. 🍀

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Watch Your Step: Tread Carefully on Regulating Agriculture

By John Guskowski, AICP, LEED-AP
Director of Planning, CME

Like many places in the country, Connecticut is seeing a resurgence of interest in local agriculture. The popularity of locally grown food and fiber products has also created more and more questions about regulating farms at a local level. Inland wetlands and watercourse commissions are legally entitled to review any activity that may affect a wetland or watercourse but are not legally entitled to require the review of ongoing, "as of right" farming operations such as the

tilling of soil and planting or harvesting on croplands within wetlands or an established upland review zone.

Local commissioners should check the following sources to answer the question on whether or not local agricultural land use practices are exempt: a) Connecticut General Statutes Section 22a-40(a)(1); b) the 2006 DEP Regulations concerning wetlands exemptions; c) Definitions of "agriculture" or "farming" in local Wetlands and Zoning regulations.

Beyond regulation, it is an excellent idea to encourage input and participation from the local agriculture and forestry community. An active dialogue with farmers on environmental challenges and best practices will not only help to maintain a healthy ecosystem but will also go a long way toward ensuring an active agricultural community in your town.

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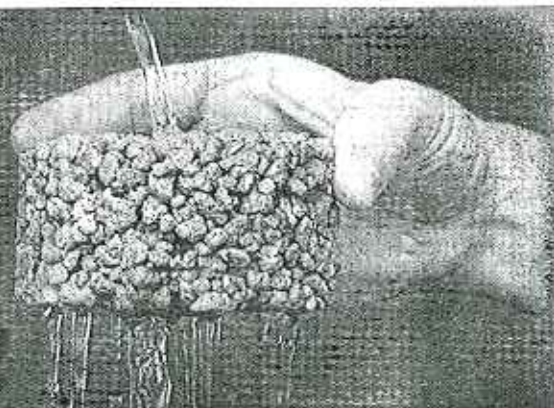
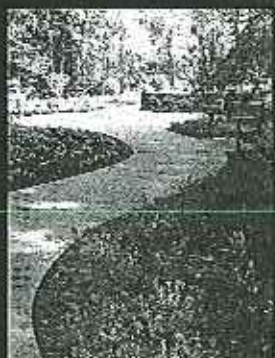


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See page 1.

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3. Wetlands Commissioner of the Year
4. Conservation Commissioner of the Year
5. Commission Agent or Staff of the Year

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Annual Award Nominations Committee at:
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Leslloyd F. Alleyne / Journal Inquirer

Jim Govoni, Windsor tree warden, left, and Chris Bennett, of the Windsor Public Works Department, install a 150-square-foot "green" roof on the Windsor Public Library on Monday.

Rooftop living at its greenest atop Windsor library

By Nicole Guzzardi

For the Journal Inquirer

WINDSOR — The town library is joining efforts to go green with the installation of a 100-square-foot green roof.

A green roof is part or all of a rooftop covered with vegetation and soil. It keeps the building insulated, absorbs rainwater, and provides a home for wildlife.

The green roof at the library will be for demonstration and education purposes, Environmental Planner and Wetlands Agent Cyd Groff said, "demonstration that these can work in Windsor and education for both

children and adults because of the plants we chose."

The rooftop grids contain 4 inches of substrate soil, and the plants chosen will attract butterflies, Groff said.

The green roof will be visible from the Mather House reading room, a part of the library, and on nice weather days supervised visits will be held.

Groff said that part of the demonstration is to do a comparison of energy use during the next 12 months for both heating and cooling.

"I've been discussing potential green roofs with staff and developers for almost four years," Groff said.

When Chicago started using them on its city buildings, Groff said her interest piqued and she started mentioning the idea more often.

"We wanted to try one, but needed to find a town building with a roof that offered some protection from severe wind, but had sun exposure needed for the plants," she said.

The library was the building settled on and the town paid for it as a "test investment," she said.

The company chosen to help with the green roof is Weston Solutions, which has an office in Glastonbury and growing fields in in Kensington, Groff said.

2009 International Soil and Water Conservation Society Conference Delegate's Report

Submitted by: Jessie Dyer

The 2009 International Soil and Water Conservation Society Conference was held in Dearborn, Michigan from July 11th to July 15th. The conference was kicked off by President Peggie James addressing all of the delegates at the House of Delegates meeting on Sunday July 12th. Peggie spoke to the theme of the conference "Conservation Today and Tomorrow" by urging chapters to increase student involvement to beginning creating leaders for the future of the conservation movement.

The meeting continued with the presentation of two resolutions. The first, presented by the Wisconsin chapter, proposed to decrease the current size of the Board of Directors from thirteen to seven. The argument for the resolution was that the Society is spending a great deal on travel expenses for the board members to meet and the design of a thirteen member board was created at a time with less advanced communication and networking abilities. In addition, the resolution called for four of the Board members to be elected at large and three to be appointed by the Executive Director. The argument for this was that the Executive Director would have the ability to appoint diverse and experienced individuals. Although, many members believed the Board of Directors should be reformulated, they felt this proposal would limit representation of regions on the Board and give too much power to the Executive Director. The resolution was not passed.

The second resolution, presented by the National Capital Chapter, was to re-establish The Norman A. Berg Conservation Leadership & Policy Forum. The forum would be a biennial three day event held in Washington D.C. for 10 to 20 members across the Society. The purpose would be to network and develop stronger partnerships between national agencies, organizations, and policy makers. Those presenting the proposal felt this opportunity would also increase. The Na-

tional Capital Chapter would cover \$2,100 of the cost and \$1,500 would be expected to be covered by the host chapter. The resolution was passed with overwhelming support by the delegates.

Peggie closed the meeting by stating what an outstanding job the chapters had done with recruitment and program implementation in 2009. Although, with all of the international issues surrounding energy, water and global climate change the need for the society is stronger now than ever. Peggie challenged groups to not only increase membership but to increase participation for the membership through grassroots community projects relating to greener communities and energy conservation.

Mark your calendars for the 65th International Conference in St. Louis, Missouri from July 18th to the 20th 2010!

Student Chapter News

Gant Plaza gets hybrid green roof

From The Daily Campus, UCONN Posted: 9/2/09

After two years of fundraising and organization, the Soil and Water Conservation Society, in collaboration with EcoHusky, will complete the Gant Plaza Roof Project this Wednesday.

This environmental cooperation was implemented as an effort to use green practices around campus specifically that dealt specifically with water issues, according to Natural Resource Management & Engineering (NRME) faculty member, Jack Clausen. Clausen also serves as an advisor to the Soil and Water Conservation Society.

Gant Plaza, located within the Science Complex on the north side of campus, will receive its makeover on Wednesday morning with the help of any student willing to participate. The festivities will start at 10 o'clock and will include a free

Cont.

Topsoil for Constructed Wetlands *by Tim Gould and Thomas Peragallo*

Editorial Board Note: A critical component of successful wetlands creation or restoration projects is appropriate wetlands substrate. Introduction of amended topsoil, high in organic content, is often specified to foster plant growth, air and water movement and nutrient availability. The addition of compost to mineral soils increases organic matter and improves soil properties. The following article is a Fact Sheet from the New Hampshire Association of Natural Resource Scientists [NHANR] regarding compost-amended soils for wetlands mitigation projects.

Manufactured soils are a creative source of topsoil for use in constructed wetlands or in wetland restoration projects. These soils are normally produced by mixing on-site or off-site mineral material, with compost from various sources. Industry experts recommend the following soil characteristics for most constructed wetlands.

The ideal manufactured soil will provide adequate plant nutrients, healthy microbial activity, unrestricted infiltration and physical stability. These qualities will help ensure rapid plant establishment, high plant survivability, improved floodwater retention, resistance to erosion and absorption of pollutants. Experience has shown that wetland formation is accelerated by application of a high quality wetland soil substrate.

There are three key components that the compost industry experts focus on when making wetland soil:

1) **Organic Matter Content:** Leaf compost is generally used to increase organic matter and make wetland topsoil. Leaf compost can vary from 25% to 40% organic matter depending on the source. Typically, leaf compost is incorporated in a ratio of 1:1 with loamy topsoil that has an organic matter content of about 5% or it is blended in a ratio of 2:1 (two parts compost) with loamy subsoil that has negligible organic matter content. Since regulatory guidelines suggest organic matter content for constructed wetland soil as high as 20%, it is important to select compost that is high in organic matter content. Although 20% organic matter content* in the final soil mix is the regulatory standard, many consider 12% organic matter to be adequate for constructed wetlands.

2) **Soil Texture:** The texture of the mineral soil portion in the final soil mix is critical for proper permeability, moisture holding capacity, and resistance to compaction or subsidence. The most commonly recommended USDA textural classes include: sandy loam (SL), fine sandy loam (FSL), silt loam (SiL) or loam (L).

3) **Likely Seed Bank:** Determining seed bank can best be achieved by knowing your material sources. Visiting the compost facility will reveal factors that contribute to likely seed content. For example, the thoroughness of the composting operation such as turning frequency, method of turning, and feedstock sources can easily be determined from a site visit.

Other soil characteristics are important for assessment of the soil's long-term capability to store and release nutrients and to provide adequate rooting. Careful sampling followed by chemical and physical laboratory analyses is necessary to assess these characteristics. In addition, it is recommended to sample for background levels of important nutrients or contaminants such as metals in order to determine management objectives, such as the regulation of pH. These other characteristics are:

- **Cation Exchange Capacity (CEC):** CEC is a measurement of the soil's ability to absorb and release many of the primary plant nutrients that occur as cations (Ca, Mg, K, NH₄, etc.). A CEC of 20 or more is recommended for best results. A general rule of thumb is that a soil manufactured from compost, having 15-20% organic matter will have an adequate CEC.
- **Bulk Density:** Bulk density is the mass per unit volume of the whole soil, including pore space, so it is a reflection of porosity. Bulk density impacts the resistance to plant roots and the ability of air and water to move within and through the soil. For constructed soils the recommended range of bulk density is 1.05 to 1.17 g/cc or 1600 to 1800 lbs./cubic yards as delivered.
- **Soil pH:** Soil pH is a measurement of the hydrogen ion concentration in the soil solution. It is commonly referred to as "acidity" or "alkalinity". The soil pH determines the availability of nutrients and other chemical constituents. A soil pH of 6.5 to 7.5 is recommended for manufactured wetland soils. The specific needs of the selected plant material

must be determined and the pH adjusted as needed for optimum growth of plants.

- **Application Depth:** An application depth of 8-12" (manufactured soil) is recommended for best results in constructed wetlands. For in-kind replication, the topsoil thickness in the replication should be equal to the topsoil thickness in the wetland to be impacted.

**US Army Corps of Engineers - New England District Mitigation Guidance for New England District Mitigation Plan Checklist, January 2007; page 11, Section F. Topsoil. The pdf link is: <http://www.nae.usace.army.mil/reg/Mitigation%20Plan%20Checklist%20Guidance.pdf>.*

Tim J. Gould is the Vice President of Agresource, Inc. 100 Main Street, Amesbury, MA 01913. Phone: 978-388-5110. Email: tgould@agresourceinc.com.

Thomas Peragallo is chair of the New Hampshire Association of Natural Resource Scientist's Education and Research Committee, PO Box 110, Concord, NH 03302, Phone: 603-899-6502, Email: tperagallo@stompit.net.

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Developing Streamflow Regulations in Connecticut

Water utilities have long been stewards of the environment. We recognize the importance of protecting the water resources of the state. We have demonstrated this through our longstanding practices of source water protection, water quality monitoring, forest management, and open space preservation. We take our responsibility seriously and routinely work with other stakeholders to provide for the stewardship of the water resources of the state. We stand ready to work with stakeholders and policymakers to develop balanced regulations that provide for environmental stewardship and meet the needs of the residents of the state.

The legislature, in recognizing the limitations of the existing minimum streamflow standards, through Public Act 05-142 directed the Department of Environmental Protection to adopt new streamflow regulations that would apply to all rivers and streams, promote and protect usage for recreation, and be based on natural variations of flow and best available science.

The water industry did not oppose this legislation as we saw the environmental value of regulating all dams in the state and were assured by the following statutory language requiring the regulations be developed:

- ".....recognizing and providing for the needs and requirements of public health, flood control, industry, public utilities, water supply, public safety, agriculture, and other lawful uses of such waters..."
- "further recognizing and providing for stream and river ecology, requirements of natural aquatic life, natural wildlife and public recreation....." and
- may provide special conditions or exemptions for extreme economic hardship, agricultural use, or "as necessary to allow a public water system to comply with the obligations as set forth in the regulations of CT State agencies."

It was apparent that the legislature expected DEP to draft regulations that adequately balance the many competing demands placed on our waters. CWWA cannot support proposed regulations that fail to balance environmental, public health, safety and economic interests and meet the needs of the residents of the state. Nor would such proposed regulations satisfy the directive of the legislature.

The current draft regulations provide for a stream classification system which will impose reservoir release requirements and groundwater withdrawal limits for existing public water supply sources based on the stream classification. Exceptions are allowed where flow management plans are developed and approved by the Department.

The Department plans to develop stream classifications over a 5 year period with compliance required in designated basins within 5 years of basin classification. The current process lacks any mechanism to prioritize the basins or compliance schedules or any process for a cost-benefit analysis of the costs (monetary and social) of compliance as compared to the environmental outcomes. DEP should make available data relative to the proposed regulation's impact on aquatic life and allow policymakers to determine whether the costs are justified relative to the perceived environmental benefit.

Not knowing at the onset how streams will be classified makes it virtually impossible for any of the stakeholders to accurately assess the impacts or benefits of the proposed regulations.

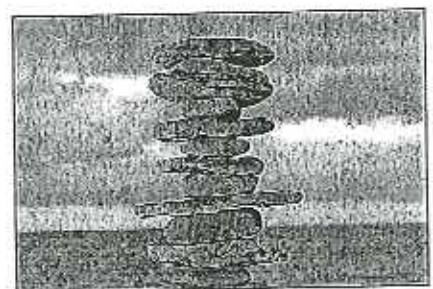
CWWA continues to recommend that DEP first complete the basin classification process before promulgating the streamflow standards. This would allow all parties to assess the actual impacts and benefits to plan for their needs without relying on assumptions, which may or may not be appropriate, depending on a stream's classification.

Based on the best available information and reasonable assumptions regarding the classification of most streams, CWWA believes the regulations, as currently proposed, could severely impact the delivery of public water service in the state. It would limit the amount of water supplies available for public health, safety, industry and recreation and jeopardize the ability of public water suppliers to meet their obligations to serve their customers and our communities. As a result they could:

- limit water utility safe yield and available supply and result in reductions in the margin of safety for many companies, which in some cases will mean the difference between a supply surplus and a deficit
- affect water quality and aesthetics for our customers
- impact our ability to meet basic public health and safety needs of our communities, i.e. sanitation, fire protection
- significantly increase customer rates, including those for municipal fire protection, to cover the costs for utilities to comply
- undermine economic recovery and job growth - impacting existing businesses and limiting growth and economic development in communities;
- impose frequent and lengthy water use restrictions on customers to limit demand during certain periods to provide for releases
- require the development of new sources, if available, and limit the likelihood of interconnections and plans for regional water supply solutions
- limit ability for communities to plan or consider water supply and smart growth policies as they consider their future
- require substantial, costly infrastructure modifications and additional personnel to comply ensure compliance with the monitoring and reporting requirements
- impose costly burdens for compliance on towns and cities with municipal water departments
- require water company customers to bear the costs of compliance while there is clearly a broader public benefit and many stakeholders served by the implementation of the regulations

It is difficult to see how the proposed regulations meet the intent of the legislation or whether utilities can reasonably be expected to comply with them. There are not sufficient conditions or exemptions to allow for compliance with other regulatory obligations including those of DPH, DPUC, and OCC. It is not clear if additional sources are even available or could be permitted to offset the loss of supplies. As important, is whether the environmental benefits support the costs and if the significant uncertainty and risk created by the regulations is acceptable for the citizens of the state.

CWWA stands ready to work with stakeholders and policy makers to develop balanced regulations that meet the mandate of the statute and the needs of the resident of Connecticut. These are important regulations but there is still more work to do before they can be adopted.



Bednaz, Katie

Correspondence
Play Rd.

From: Bord, Jeffrey
Sent: Thursday, November 05, 2009 3:37 PM
To: Bednaz, Katie
Cc: Cabibbo, John; Hawkes, Piya; D'Agostino, Mike
Subject: RE: Play Road Outlet Project

The sections of silt fence that came down still need to be put back. I tried to do it last week but it was all heavy clay. It didn't seem to be moving to much. When Hal Pierce comes back to remove the hay bales from the CBs I'll try and make sure he does the silt fence. The silt fence was suppose to be for the fill that we were going to put in along the channel but didn't. It is holding back some of the wash outs, so I'm glad he out it in.

JEFFREY S. BORD P.E., L.S.

Town Engineer
Public Works Department
Engineering Division
820 Enfield Street
Enfield, CT 06082
860 - 253-6364
jbord@enfield.org

From: Bednaz, Katie
Sent: Thursday, November 05, 2009 9:39 AM
To: Bord, Jeffrey
Cc: Cabibbo, John; Hawkes, Piya; D'Agostino, Mike
Subject: RE: Play Road Outlet Project

Thanks Jeff for the update.

Can you also tell me if the erosion controls down the length of the channel within the project area have been re-established?

Thanks again,

Katie Bednaz

Certified PWS & Registered Soil Scientist

Assistant Planner / Wetlands Agent
Enfield Town Hall
820 Enfield Street
Enfield, CT 06082

Phone: (860) 253-6358
Fax: (860) 253-4729

From: Bord, Jeffrey
Sent: Tuesday, November 03, 2009 3:53 PM
To: Bednaz, Katie
Cc: Cabibbo, John; Hawkes, Piya; D'Agostino, Mike
Subject: Play Road Outlet Project

The Play Road Outlet Project with Pierce Builders has been completed.

All available funding was used to install 180' of 48" pipe, 36' of 54" pipe, 475 C.Y.'s of rip rap and 18,000 C.Y.'s of fill.

The catch basins were raised 9' from the original plan and 7,000 C.Y.'s of fill was added to the original bid quantity of 11,000 C.Y.'s.

The rip rap dike at the east end of the channel was reshaped, lowering it down in the center and raising it up on the sides.

The hay bales over the catch basins will be removed after the grass is established.

There was not enough funding to stabilize the erosion areas adjacent to the rip rap channel. This will be addressed as funding becomes available.

The total cost of this project was \$310,000.

JEFFREY S. BORD P.E., L.S.

Town Engineer

Public Works Department

Engineering Division

820 Enfield Street

Enfield, CT 06082

860 - 253-6364

jbord@enfield.org

Bednaz, Katie*Correspondence
Ray Read.*

From: Bord, Jeffrey
Sent: Tuesday, October 13, 2009 11:15 AM
To: Bednaz, Katie; Cabibbo, John
Subject: RE: Followup from 9/29 meeting

Pierce told us he would be back last Thursday but he didn't show up. Hopefully he comes this week to address the rip rap areas. I don't know if the DEP or Army Corp will comment on the work that remains. Additional funding will be needed to go further.

JEFFREY S. BORD P.E., L.S.
 Town Engineer
 Public Works Department
 Engineering Division
 820 Enfield Street
 Enfield, CT 06082
 860 - 253-6364
 jbord@enfield.org

From: Bednaz, Katie
Sent: Tuesday, October 13, 2009 10:51 AM
To: Cabibbo, John
Cc: Bord, Jeffrey
Subject: FW: Followup from 9/29 meeting

Please see Brian's email. Any comments?

Katie Bednaz
Certified PWS & Registered Soil Scientist
 Assistant Planner / Wetlands Agent
 Enfield Town Hall
 820 Enfield Street
 Enfield, CT 06082

Phone: (860) 253-6358
 Fax: (860) 253-4729

From: Brian Peruta [mailto:brianhp@cox.net]
Sent: Monday, October 12, 2009 9:31 PM
To: Bednaz, Katie
Cc: 'Brian Peruta'
Subject: Followup from 9/29 meeting

There were 2 items:
 The pipe on Keen needed to be looked at by town staff to see if it contributes in any way to the problem.

10/13/2009

The second item I was supposed to send you an email about. Until I reviewed my notes on Sunday, I just plain forgot. Here it is: Play Road and Sun Street work is complete but we have significant slumping between the first damn and the second damn. The implications are the rip rap will always be covered and eventually rendered useless. We'll see more sediment heading downstream to the river. I have a concern that there is much more work to do before we consider this situation "fixed". Will there be an inspection and report on the area between the 2 dams along with some spot checks to the Scantic River? Will DEP or Army Corp of Engineers weigh in on the results so far and comment on the work that remains?

Thanks for your help.

Brian

10/13/2009

Correspondence

SCANTIC RIVER WATERSHED

ENFIELD

PRELIMINARY ASSESSMENT OF CRITICALLY ERODING AREAS

<u>LOCATION</u>	<u>N.R.C.S. PRIORITY</u>	<u>EST. CONST. COST</u>
Abbe Rd. - Stockers	Medium	\$185,000
Campsite Rd.	Low	50,000
Collins Farm Gully	Low	50,000
Chief St.	Medium	300,000
Clear St.	Low	100,000
Cloud St.	Completed 1995	88,000
Fletcher Rd. Site - Moser Farm	Low	80,000
Glen Arden Lne.	Low	10,000
Gordon Lane	Medium	100,000
Indian Run St.	Low	25,000
JFK School Site #1	High	200,000
JFK School Site #1A	High	150,000
Kimberly Rd. Site #1	Low	20,000
Kimberly Rd. Site #2	Medium	75,000
Kimberly Rd. Site #3	Medium	100,000
Kimberly Rd. Site #4	Medium	150,000
Kelly Dr.	Medium	350,000
Power Hill Rd. Slope@Scantic Rvr.	Medium	200,000
Powder Ridge Rd.	Low	50,000
Queen St.	Medium	50,000
Raffia Rd.	Medium	400,000
Ridgefield Rd.	Low	50,000
Rte. 191 Gully	High	125,000
Sam St.	Low	35,000
Susan Cir.	High	205,000
South Rd. Gully #1	Medium	250,000
South Rd. Gully #2	Medium	100,000
Sharp St.	Low	200,000
Sun St.	High	1,000,000
Terry Brook Streambank Protection	Low	75,000
Town Farm Rd. Site # 1 (P.O. Rd.)	High	125,000
Town Farm Rd. Site #2A (P.O. Rd.)	Medium	200,000
Town Farm Rd. Site #2B (P.O. Rd.)	Medium	200,000
Town Farm Rd. Site #2C (P.O. Rd.)	Medium	300,000
Tie St.	Low	100,000
TOTAL:		\$5,698,000

SCANTIC RIVER WATERSHED

SITEID	DESCRIPTION	TOWN	PRIORITY	EST. CONSTRUCTION COST IN THOUSANDS
C-1	CONNLEAF Gully #1 (Casco)	EAST WINDSOR	LOW	175
C-2	CONNLEAF Gully #2 (Casco)	EAST WINDSOR	LOW	40
C-3	CONNLEAF Gully #3 (Casco)	EAST WINDSOR	LOW	40
KB-1	Ketch Brook Phase 1	EAST WINDSOR	COMPLETED 1992	150
KB-2	Ketch Brook Phase 2	EAST WINDSOR	COMPLETED 1992	30
KB-3	Ketch Brook Phase 3	EAST WINDSOR	HIGH (1995)	90
KB-4	Ketch Brook Phase 4	EAST WINDSOR	HIGH (1995)	28
M-1	Melrose Road Gully	EAST WINDSOR	LOW	30
RT-140	Route 140 Gully	EAST WINDSOR	LOW	150
RY-1	Rye Street Gully #1	EAST WINDSOR	LOW	250
RY-2	Rye Street Gully #2 - (Culbro)	EAST WINDSOR	MEDIUM	400
TG-1	Town Garage Gully - Woolam Road	EAST WINDSOR	LOW	200
WR-1	Wesley Road Gully (70K Acready Spent)	EAST WINDSOR	MEDIUM	60
SUBTOTAL			LOW	10
B-1	Bahler Site	ELLINGTON	MEDIUM	1623
CC-1	Catholic Church Site	ELLINGTON	MEDIUM	40
KI-1	Kimball's Brook	ELLINGTON	MEDIUM	100
MF-1	Moser Farm Gully	ELLINGTON	LOW	50
SUBTOTAL			MEDIUM	100
CA-1	Campsite Road	ENFIELD	LOW	290
CF-1	Collins Farm Gully	ENFIELD	LOW	50
CH-1	Chief Street	ENFIELD	LOW	50
CL-1	Clear Street	ENFIELD	MEDIUM	300
CS-1	Cloud Street	ENFIELD	LOW	100
FR-1	Fletcher Road Site - Moser Farm	ENFIELD	COMPLETED 1995	88
GA-1	Glen Arden Lane	ENFIELD	LOW	80
GL-1	Gordon Lane	ENFIELD	LOW	10
IR-1	Indian Run Street	ENFIELD	MEDIUM	100
JFK-1	JFK School Site #1	ENFIELD	LOW	25
JFK-1A	JFK School Site #1A	ENFIELD	HIGH	200
K-1	Kimberly Road Site #1	ENFIELD	HIGH	150
K-2	Kimberly Road Site #2	ENFIELD	LOW	20
K-3	Kimberly Road Site #3	ENFIELD	MEDIUM	75
K-4	Kimberly Road Site #4	ENFIELD	MEDIUM	100
KD-1	Kelly Drive	ENFIELD	MEDIUM	150
PH-1	Powder Hill Road Slope @ Scantic River	ENFIELD	MEDIUM	350
PR-1	Powder Ridge Road	ENFIELD	MEDIUM	200
Q-1	Queen Street	ENFIELD	LOW	50
RA-1	Raffia Road	ENFIELD	MEDIUM	50
RR-1	Ridgefield Road	ENFIELD	MEDIUM	400
RT-191	Route 191 Gully	ENFIELD	LOW	50
S-1	Sam Street	ENFIELD	HIGH	125
SO-1	South Road Gully #1	ENFIELD	LOW	35
SO-2	South Road Gully #2	ENFIELD	MEDIUM	250
SS-1	Sharp Street	ENFIELD	MEDIUM	100
SUN-1	Sun Street	ENFIELD	LOW	200
TB-1	Terry Brook Streambank Protection	ENFIELD	HIGH	1000
TF-1	Town Farm Road Site #1	ENFIELD	LOW	75
TF-2A	Town Farm Road Site #2A	ENFIELD	HIGH	125
TF-2B	Town Farm Road Site #2B	ENFIELD	MEDIUM	200
TF-2C	Town Farm Road Site #2C	ENFIELD	MEDIUM	200
TS-1	Tie Street	ENFIELD	MEDIUM	300
SUBTOTAL			LOW	100
BO-1	Bobolink Road	SOMERS	MEDIUM	5308
FW-1	Fernwood Street	SOMERS	MEDIUM	25
HC-1	Hillcrest Drive Site #1	SOMERS	LOW	50
HC-2	Hillcrest Drive Site #2	SOMERS	MEDIUM	40
KR-1	Scantic River @ King Road	SOMERS	LOW	20
PL-1	Parsons Lane	SOMERS	HIGH	75
SL-1	Somers Lane	SOMERS	MEDIUM	25
SP-1	Siano Gravel Pit	SOMERS	MEDIUM	35
SUBTOTAL			MEDIUM	50
DR-1	Dower Road	SOUTH WINDSOR	COMPLETED 1995	320
F-1	Farnham Road	SOUTH WINDSOR	COMPLETED 1995	308
HT-1	High Tower Road Site #1	SOUTH WINDSOR	MEDIUM	100
HT-2	High Tower Road Site #2	SOUTH WINDSOR	HIGH	175
MG-1	McGrath Road Site #1	SOUTH WINDSOR	MEDIUM	150
MG-2	McGrath Road Site #2	SOUTH WINDSOR	MEDIUM	100
PK-1	Rye Street Park	SOUTH WINDSOR	LOW	75
RT-5	Route 5 - Industrial Park	SOUTH WINDSOR	MEDIUM	75
SM-1	Scantic Meadow Road	SOUTH WINDSOR	HIGH	200
SUBTOTAL			LOW	25
TOTAL				1208
				8749

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SCANTIC RIVER WATERSHED

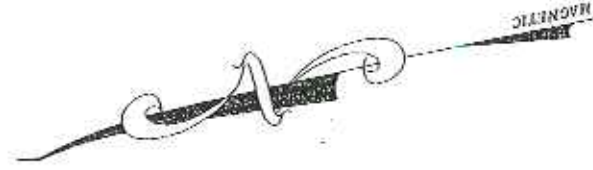
Preliminary Design Assessment of Critically Eroding Areas

ENFIELD SITES

SITEID	DESCRIPTION	PRIORITY
CA-1	Campsite Road	LOW
CF-1	Collins Farm Gully	LOW
CH-1	Chief Street	MEDIUM
CL-1	Clear Street	LOW
CS-1	Cloud Street	COMPLETED 1995
FR-1	Fletcher Road Site - Moser Farm	LOW
GA-1	Glen Arden Lane	LOW
GL-1	Gordon Lane	MEDIUM
IR-1	Indian Run Street	LOW
JFK-1	JFK School Site #1	HIGH
JFK-1A	JFK School Site #1A	HIGH
K-1	Kimberly Road Site #1	LOW
K-2	Kimberly Road Site #2	MEDIUM
K-3	Kimberly Road Site #3	MEDIUM
K-4	Kimberly Road Site #4	MEDIUM
KD-1	Kelly Drive	MEDIUM
PH-1	Powder Hill Road Slope @ Scantic River	MEDIUM
PR-1	Powder Ridge Road	LOW
Q-1	Queen Street	MEDIUM
RA-1	Raffia Road	MEDIUM
RT-191	Route 191 Gully	HIGH
RR-1	Ridgefield Road	LOW
S-1	Sam Street	LOW
SO-1	South Road Gully #1	MEDIUM
SO-2	South Road Gully #2	MEDIUM
SS-1	Sharp Street	LOW
SUN-1	Sun Street	HIGH
TB-1	Terry Brook Streambank Protection	LOW
TF-1	Town Farm Road Site #1	HIGH
TF-2A	Town Farm Road Site #2A	MEDIUM
TF-2B	Town Farm Road Site #2B	MEDIUM
TF-2C	Town Farm Road Site #2C	MEDIUM
TS-1	Tie Street	LOW



SCALE IN FEET



***** MINUTES *****

October 6, 2009

Inland Wetlands and Watercourses Meeting
INLAND WETLANDS AND WATERCOURSES AGENCY
MINUTES OF A SPECIAL MEETING
TUESDAY, October 6, 2009

A Special Meeting of the Enfield Inland Wetlands and Watercourses Agency was held on Tuesday, October 6, 2009 in the Enfield Room, Enfield Town Hall, 820 Enfield Street, Enfield, Connecticut.

MEMBERS PRESENT: Douglas Maxellon, Chairman
 Joseph Albert (Alternate, seated)
 Karen Camidge
 Jake Keller (6:44 p.m.)
 Jo-Marie Nelson

MEMBERS ABSENT: Brian Peruta
 Robert Lemay
 Patrick Szczesiul, Alternate

ALSO PRESENT: Katie Bednaz, Wetlands Agent
 Susan Berube, Recording Secretary

REGULAR MEETING

1. Call to Order: The meeting was called to order by Chairman Douglas Maxellon at 6:37 p.m.

2. Roll Call: Present were: Chairman Maxellon and Agents Albert, Camidge, Keller (6:44 p.m.), and Nelson. Also present were Katie Bednaz, Wetlands Agent and Susan Berube, Recording Secretary.

Agent Albert was appointed as a full voting member for this evening's meeting.

Chairman Maxellon announced that Agent Michael Littlejohn has resigned from the IWWA.

3. Other Business: A motion was made by Agent Camidge and seconded by Agent Keller to take items a, b, and c out of order, changing it to c, b, and a. Vote was 5-0-0.

c. IWWA Fines Ordinance: Agency members reviewed fines ordinances from several area towns – Ellington, Southington, Westbrook, New Canaan, and Tolland. Ms. Bednaz noted that members could take parts from several of the ordinances and create one unique to Enfield.

Chairman Maxellon expressed appreciation for Agent Nelson's work on gathering the ordinances.

Ms. Bednaz found that the wording for the Tolland IWWA fines ordinance was the same as that town's zoning fines ordinance. She added that she found that it had too much legal terminology and too much verbiage to be easily understood.

Agent Camidge and Chairman Maxellon felt that the New Canaan ordinance was simple and easy to understand.

Ms. Bednaz also noted that it gives definitions. She added that New Canaan looks at each day as a new violation. The scale of the fine can vary depending on the type and size of the violation.

Chairman Maxellon left the meeting for the evening at 7:03 p.m. Vice Chair Camidge acted as Chairman for the remainder of the meeting.

Ms. Bednaz explained that while she worked in East Windsor, as long as a person worked with her, fines were not levied.

She also noted that there are different levels of violation, beginning with a notice of violation. The time line and fines begin after that or if no progress is made.

Ms. Bednaz stated that she feels that a daily fine is important. It should be kept reasonable but it encourages progress.

She also noted that the ordinance and regulations need to work together with the time lines, in case a violation went to the Supreme Court.

Members discussed New Canaan's procedure of having hearing officers. The officers must be impartial.

Agent Albert asked if the P&Z Commission have hearing officers. If so, perhaps the same person could be used.

Ms. Bednaz stated that she feels that the person or persons should be totally impartial and having a person involved with more than one agency may not be totally impartial after hearing one issue.

She recommended having 3 hearing officers to guarantee availability.

Agency members expressed concern over finding 3 willing people to act as hearing officers.

Agents Camidge and Nelson suggested that members of the Ethics

Commission might be well suited to act as hearing officers.

Ms. Bednaz noted that New Canaan's ordinance tells who is not appropriate to act as a hearing officer – members of the Town Council, Zoning, IWWA Agency members, and, she suggested that Town employees also not be utilized.

She also noted the need to make sure that definitions outlined in the ordinance mirror those in the regulations.

Ms. Bednaz also found that the town of Westbrook allows for inspection of property if a violation is noted or suspected.

Agency members held lengthy discussion on this and it was the consensus that this not be included in the ordinance.

Agency members also discussed the definition of "violation" and what constitutes a single violation – is it each component of a project or the end result?

Also discussed was the need to determine the "level" of a violation for a fine, up to a limit of \$1,000 per day.

New Canaan allows for fines of up to \$1,000 per day for violations within a wetland and up to \$500 per day for violations within the upland review area.

Ms. Bednaz explained that the Agent would send a notice of violation which would state the activity that must be stopped immediately and the amount of time in which to contact the town for a resolution, and a time of re-inspection at which time the fine would start if the project remained in non-compliance.

Agency members noted the need to be consistent and fair.

It was the consensus of the Agency members to use New Canaan as a base ordinance and Ellington's letter of citation.

Ms. Bednaz will work on these as time permits.

b. IWWA Fee Schedule: Ms. Bednaz announced that the State fees have just been increased by \$30.

Ms. Bednaz stated that the Town's attorney has reviewed the proposed fees schedule.

Ms. Bednaz reviewed a comparison she had done on several recent applications and the fees charged, compared with the proposed fees and what the fees would have been if the applications had been in 2 other local towns. She found that even with the increase, Enfield still would have been

lower than the other towns.

Agent Keller expressed concern over the timing of a fee increase during difficult economic times.

Ms. Bednaz responded that the fee schedule will be part of the regulation's public hearing so the public will have a chance to comment before it is finalized.

She also noted the need to cover some actual costs, such as the required legal notices.

Ms. Bednaz went on to say that it seems that the Agency members are in agreement with the base fees. It is up to the Agency to decide if the Town should absorb the entire cost or have the applicants contribute toward the costs of review, as section B of the application addresses.

Agency members had lengthy discussion and review on section B.

Some members felt it reasonable that the applicant pay at least a portion of the cost to review the plans. Others felt that the fees would discourage development.

Ms. Bednaz stated that she would like to see the fee schedule finalized soon so that the Agency can concentrate on the actual regulations.

a. IWWA Regulation Revisions: Ms. Bednaz stated that she would like to work on getting the regulations finalized by the end of the year, when the agendas tend to be lighter. This will allow use of the new application, which is much simpler for applicants to use.

f. Next Regular Meeting will be on Tuesday, October 13, 2009 at 7:00 p.m. in the Council Chambers.

4. Adjourn: A motion was made by Agent Nelson and seconded by Agent Keller to adjourn the meeting at 8:58 p.m. Vote was 4-0-0.

Respectfully Submitted,

Jo-Marie Nelson, Secretary

****MINUTES****

October 13, 2009

Inland Wetlands and Watercourses Meeting
INLAND WETLANDS AND WATERCOURSES AGENCY
MINUTES OF A REGULAR MEETING
TUESDAY, October 13, 2009

A Regular Meeting of the Enfield Inland Wetlands and Watercourses Agency was held on Tuesday, October 13, 2009 in the Council Chambers, Enfield Town Hall, 820 Enfield Street, Enfield, Connecticut.

MEMBERS PRESENT: Douglas Maxellon, Chairman
 Joseph Albert, Alternate
 Jake Keller
 Robert Lemay
 Jo-Marie Nelson
 Brian Peruta
 Robie Staples
 Patrick Szczesiul, Alternate (seated)

MEMBERS ABSENT: Karen Camidge

ALSO PRESENT: Katie Bednaz, Wetlands Agent
 Susan Berube, Recording Secretary

REGULAR MEETING

1. Call to Order: The meeting was called to order by Secretary Jo-Marie Nelson at 7:04 p.m.

2. Roll Call: Present were: Secretary Jo-Marie Nelson and Agents Albert, Keller, Lemay, Peruta, Staples, and Szczesiul. Also present were Katie Bednaz, Wetlands Agent and Susan Berube, Recording Secretary. Agents Albert and Szczesiul were seated as full voting members.

3. Pledge of Allegiance: The Pledge of Allegiance was recited.

4. Executive Session

(Matters regarding specific employees, pending litigation, acquisition of real estate and / or matters exempt from disclosure requirements): None.

5. Public Participation - Issues of concern not on the agenda: None.

6. Correspondence: None.

7. Commissioner's Correspondence

a. Site Visit Updates

Agent Keller reported that the PetSmart project on Hazard Avenue at Brookside Plaza has begun. The silt fence is up. Material is stockpiled on the blacktop and is protected. It looks fine.

Ms. Bednaz added that she also visited the site. The contractor is using a foam triangle encased in silt fence type material to hold back sediment.

The contractor is very detailed in contacting her. They have removed the debris from the wetlands.

Also, the contractor is being very pro-active and is using silt sacks for water filtration.

Agent Keller reported no change on the house construction on Moody Road.

The Five Guys restaurant on Elm Street has begun. Sidewalks and curbs are being installed. Site work is progressing.

Agent Peruta reported that he still has concerns on the project at Play Street. The sides are slumping; the project is not yet complete.

Ms. Bednaz stated that Mr. Bord responded to her questions about Play Road. He stated that the contractor was to come out last Thursday, but he never showed up. The erosion controls are to be reinforced.

Agent Peruta stated that he fears the project will be rendered useless if the sides keep slumping.

Ms. Bednaz explained that originally, the broken pipe caused erosion. The project was engineered to fix the human interference. To call this a violation is "iffy" because the source of erosion, the pipe, has been stabilized.

Agent Peruta stated that there is still a big piece of slope that may fall, even onto the check dam. He asked where the Agency can go from here – who can make the project move?

Ms. Bednaz replied that she is unaware of who has that authority. The Town Council can appropriate funds but she is unsure how to propose this to them.

Agent Peruta stated the need to find out who can get the project moving.

He also asked about the plantings on Meadowlark and Ms. Bednaz replied that she has not yet received an answer as to whether or not plantings will be made by the Town.

8. Approval of Minutes -September 29, 2009: A motion was made by Agent Peruta and seconded by Agent Albert to approve the minutes of the meeting of September 29, 2009 as presented. Vote was 5-0-2(Keller & Staples).

Chairman Douglas Maxellon arrived at 7:13 p.m. Agent Albert, as the newest alternate member, was removed as a voting member for this meeting due to Chairman Maxellon's arrival.

9. Wetlands Agent Report: Ms. Bednaz explained that she has been very busy in the office and has not had much chance to perform inspections.

She did report that 13 Louise Street has been finished and seeded.

There has not been much progression from the beaver activity at 31-35 Betty Road. She has not heard from the homeowners affected. The water level is slightly higher than at her last visit but there does not seem to be any danger at this time.

The Karios property on Hazard Avenue has received a Certificate of Occupancy on part of the building. The plantings are done and signs stating "No Dumping, Wetlands Area" have been installed. The owner is to keep an eye on phragmite and treat as necessary.

Ms. Bednaz also stated that the medical building project on Middle Road has begun. The site has been cleared and stumped.

Ms. Bednaz noted that she is looking for Agency members' feedback on a suggested addition to the standard conditions of approval.

Chairman Maxellon suggested that this be brought up as a separate agenda item later in this meeting.

Ms. Bednaz reported that she is preparing an educational escarpment and leaf pick-up slide for E-TV. It will emphasize the need to refrain from dumping leaves over the sides of escarpment slopes.

She also noted that the owners of a car wash owned by the Troianos on Route 5 will be submitting an application at the Agency's next meeting to repair erosion issues.

10. Old Business: None.

11. New Business: None.

12. New Applications to be Received

a. **IW-528 Ryan Brady Enterprises** - Requesting a permit to construct a \pm 4,096 sf building addition with associated loading docks and access drives with the regulated area at 21 Manning Road (Map 34, Lot 13). Submitted 10/02/09, received 10/13/09, PPE 10/27/09, **MAD 12/17/09**. Mr. Tom Grimaldi, P.E. represented the applicant.

Mr. Grimaldi explained that the site is in the Industrial zone. It is located near the cul de sac, on the south side of Manning Road. It is a 12.8 acre parcel of which 3.3 acres are currently developed, including the building, parking and access to the rear loading area.

The closest disturbance is currently 79' from the wetlands. The applicant is proposing an addition of 4,100 square feet at the back of the building to square off the building and add 2 loading docks and a covered van access area as well as additional parking.

He added that this is a plastic container company.

The applicant is proposing to reduce the setback from the wetlands from 79' to 52' of actual paved area.

A bio-retention area will be used to mitigate increased flow and will include an under-drain. The bio-retention area will treat the "first flush".

Water will travel by sheet flow into the bio retention area, through a 10' wide grass strip area to treat the water and remove heavy sands.

The bio retention area will have 1,400 or 52 cubic yards of capacity. The materials excavated for the retention area will be used in the parking area because there will be a 3 ½ to 4' elevation change.

No material will be removed from site.

Silt fence along the edge of clearing and around the stockpile will be erected.

The plans include a landscape and planting plan. Proposed plantings include elderberry, winterberry, and high-bush in the wetland bio-retention area.

The run off will be treated in the bio-retention then will go through filter fabric.

Mr. Grimaldi also explained that there is currently a 36" concrete pipe in the spot where the bio-retention area will be. The pipe will have 3' of cover under the retention area. The applicant proposes drilling into the pipe to run the bottom drain of the retention area into it.

The retention area will have 6" of ponding and an 18" medium of sand, leaf compost and topsoil consisting of no more than 5% clay.

The plans include both erosion and sediment controls and a 2 phase construction detail.

The applicant would like to use the bio retention area as a temporary sediment trap as well. The trapped sediment would then be used for the embankments and to construct the bio-retention area.

Only a small amount of clearing will need to be done.

Ms. Bednaz stated that she has reviewed the plans only briefly. The plans need more detail. The site review needs to be completed and she will have comments at that point.

Agent Albert stated that he walked the site and did not see any issues.

Agent Szczesiul asked if the project will have any impact to Water Works Brook, located behind the building.

Mr. Grimaldi replied that it will not. The bio-retention area is designed to intercept the entire construction project.

Also, he hasn't seen any erosion as the site exists today. The construction will completely cut off any potential sediment or metals from entering the brook.

At the closest, the brook is 150' from the edge of the clearing.

Agent Nelson noted that there is an outdoor oil tank that does not show on the plans, although the underground tank does show on the plans.

Mr. Grimaldi stated that he is unsure what will be done with the above ground tank. It will need to be removed for the project but he will have to check with the applicant as to where it will be located, or if it will still be needed.

Agent Peruta asked about maintenance on the bio-retention area.

Mr. Grimaldi stated that the grass will be cut a few times per year. Nothing larger than a "weed whacker" will be needed.

Agent Peruta asked if there would be a need to refresh the bottom of the bio retention area.

Mr. Grimaldi responded that it would not be necessary.

In response to a question by Agent Keller, Mr. Grimaldi explained that currently next to the loading spaces is a paved island area. That pavement will be removed and the area will be grassed. The pavement will need to be removed from the site.

Agent Lemay asked where snow is to be stockpiled.

Mr. Grimaldi stated that the current parking lot for the office area is larger than necessary. The owner uses the rear row of the lot for snow stockpiling. He has no

plans to change the use of the building so additional parking should not be needed; the snow can continue to be stockpiled there.

Chairman Maxellon asked where the dumpster and pallet storage area will be.

Mr. Grimaldi stated that these still need to be addressed since they will have to be moved from their current location.

Chairman Maxellon also asked when the project would begin.

Mr. Grimaldi responded that the applicant would like to break ground this fall but is unsure if that will be able to happen.

Chairman Maxellon asked that the bio-retention maintenance plan be made part of the conditions of approval.

Signage also will be needed to show where snow stockpiling is not to take place.

Mr. Grimaldi suggested snow stockpiling also in the island area. Chairman Maxellon stated that would be acceptable as long as signage is in place where snow is not to be put.

Ms. Bednaz suggested that an area off of the parking lot, but not in the bio retention area be found, for the future in case the owner or use of the building changes.

Mr. Grimaldi stated that he will show 3 areas on the plans for snow stockpiling.

Agency members discussed whether or not this application is a significant impact, requiring a public hearing.

It was the consensus of the IWWA members that this is not a significant impact activity and a public hearing for this application is not necessary.

b. **IW-529 Marshall & Nancy Butler** - Requesting a permit to deposit soil within the regulated area, which has already been conducted at 8 Sharp Street (Map 67, Lot 417). Also requesting to remove a portion of deposited materials from regulated area. Submitted 10/05/09, received 10/13/09, PPE 10/27/09, **MAD 12/17/09**. Mr. Marshall Butler represented the applicant.

Ms. Bednaz explained that she met with Mr. Butler and reviewed what work would be acceptable. There are a lot of materials to be removed.

She stated that the real problem is that the woodchips are not only throughout the debris, they are also the very bottom layer. As the woodchips degrade, they become very "greasy". This does not add to the stability of the materials on top of the chips, causing it to continue to move.

The wood chips need to be remove, then subsoil that was brought onto the property could be put, then topsoil. That effect would be more likely to be stable.

She also added that the property beyond is not owned by Mr. Butler. Any impact from slope failure would be on the property to the east which is town owned.

She does not believe that leaving the wood chips in place would be a reasonable risk.

Ms. Bednaz briefly quoted a portion of the regulations, Section 10.3e regarding consideration of a decision of the Agency for approval of an application.

Ms. Bednaz stated that as presented, the application poses some threat to the downstream or abutting properties.

Also, the abutter, the Town of Enfield, needs to give permission for the materials on Town property to be removed. Ms. Bednaz is working to get this paperwork completed.

Liability insurance may also be needed, but she is unsure.

Ms. Bednaz also stated that she received an email today from the Town's engineer. The plan needs more detailed description of how the materials will be removed and the slope stabilized. The email also reiterated the need to remove all of the woodchips.

The applicant has not received a copy of the email yet but will be given one.

She added that Mr. Butler did a good job on the corner of the other neighbor's property.

She went on to say that woodchips are the least stable material in the debris.

Mr. Butler's application can be revised to meet the requirements from staff and the IWWA, to save from having the application denied and having to pay an additional application fee.

Mr. Butler, when asked, stated that the woodchips go down as far as 10-15'.

Agent Butler stated that this is a big project and may take a long time to remove everything. He asked how it could be done without an excavator and large cost. He would like to see a real, detailed plan with work being done in stages.

He is concerned that the escarpment will fail and feels that this needs to get cleared up before it fails.

He added that he does not believe that anything from the Town caused the escarpment to fail. The Town did not put down the wood chips; Mr. Butler did.

Mr. Butler responded that he was told this was not wetlands.

Agent Albert stated again that he wants to see a detailed plan on what is to be done before a plan can be accepted.

Agent Szczesiul stated that it is common knowledge not to dump down a hill, especially on town land.

The wetlands need to be protected. Anything to be built near wetlands needs to come before the Agency to protect them.

He added that this needs to be cleaned up and would like to know how and a timeline for getting it done.

Agent Nelson noted that at a minimum, the applicant needs to follow the Town Engineer's email.

Ms. Bednaz agreed, adding that all woodchips need to be removed and the trees filled over need to be taken care of.

If woodchips are at the bottom, then everything needs to be removed.

Agent Peruta stated that there are two issues – everything that is at the bottom as well as the fill on the sides. It happened over a period of time.

Mr. Butler stated that it started 5 or 6 years ago.

Agent Peruta stated that he feels it should be a 2 step process for removal. Step 1 is an immediate plan and then step 2 would be to remove and finish the remainder over a period of 1 to 2 years.

Agent Lemay agreed with Ms. Bednaz and the Town's engineer. It all needs to be removed but he is unsure that doing it in steps is wise. Once the removal is started, he feels it should all be done.

Mr. Butler stated that he has received excavator prices. One of the estimates included going halfway down the bank, making a road of sorts to pickup debris from the bottom.

Chairman Maxellon stated that he understands that this will be costly and the Agency wants to work with the applicant, however, the Agency has regulations that must be followed. He asked if the hay bales have been installed at the bottom yet, as requested at the last meeting.

Mr. Butler stated that he has not yet installed them. He can start on the weekend and it should be done within the week.

Chairman Maxellon noted that permission is still being sought from the Town to be able to remove debris from their property. He asked how long it will take to remove debris from that section.

Mr. Butler stated that he has received estimates ranging from 3 days to 2 weeks.

Chairman Maxellon noted that sometimes contractors can help establish a detailed plan. He requested that Mr. Butler return to the IWWA with a more detailed plan.

Mr. Butler replied that he will meet with his contractor and ask that the contractor speak with Ms. Bednaz.

Ms. Bednaz stated that she is working with the Town Manager and possibly the Town Council to complete the proper paperwork.

The next IWWA meeting is the earliest date for approval of this application. It may freeze by then. This would give Mr. Butler a chance to get all of his plans finalized and a contractor in place to start after the spring rains, most likely in June. He would still be able to do plantings and grass at that time.

She stated that it will be permissible for Mr. Butler to remove the tree from the channel and establish erosion controls now.

Mr. Butler asked why he cannot do the work in the winter.

Ms. Bednaz replied that once the debris is removed, the soil must be re-planted immediately so that the slope does not remain exposed.

Chairman Maxellon noted that the next meeting is not until November 17, which is after the growing season.

c. **IW-530 David & Sandra Pino** - Requesting a permit to deposit soil within the regulated area, which has already been conducted at 1 Keen Court (Map 67, Lot 417). Also requesting to remove deposited materials from regulated area, stabilize all exposed soil and install plantings. Submitted 10/05/09, received 10/13/09, PPE 10/27/09, **MAD 12/17/09**. Mr. David Pino represented the applicant.

Mr. Pino reported that the erosion controls have been installed. A trench was not necessary, according to Ms. Bednaz.

Mr. Pino stated that his contractor will talk to Ms. Bednaz about soil removal.

Mr. Pino has a planting plan and will finalize it with Ms. Bednaz.

Ms. Bednaz explained that the material here is entirely soil. The soil can be kept on site and moved to other areas of the property.

Ms. Bednaz stated that she needs to know how the soil will be removed. She will go over this with the contractor before the Agency's next meeting, on November 17, 2009.

She added that it would be nice to remove the material and plant now, before winter.

Ms. Bednaz also stated that the Town's engineer had comments similar to those for Mr. Butler's project. Also, the Town will establish a property line. And, a more detailed description of a plan is necessary.

Ms. Bednaz stated that if the material is removed, the original slope will be exposed. Seed mix can then be applied and erosion and sediment control netting could be placed.

In the deepest location, the fill is only 4' deep. Getting machinery to reach down and pull the material out is a concern.

She also felt that some of the Engineering Department's concerns may be a bit intense for this situation.

She stated that she will work with Mr. Pino on a final planting plan and the types of plants to be installed. She will check them next June.

Agent Lemay expressed concern over setting a precedent by allowing work to be done without the application process and plans being complete.

Agent Peruta asked if the DPW has looked at the pipe that drains from the catch basin and was mentioned by Mr. Pino at the last meeting.

Ms. Bednaz stated that she has learned nothing concrete yet. It is still under discussion as to how to take care of it.

Agent Nelson stated that if there has ever been a time for an exception, it would be on these two properties, but she agrees in general about not making an exception.

Ms. Bednaz suggested that a special IWWA meeting could be held in 2 weeks.

Agent Albert stated that he would like a more detailed plan before going forward. This needs to be addressed but a plan for removal is also needed and he asked how long this would take.

Mr. Pino stated that the contractor told him that the work should take only a day.

Chairman Maxellon complimented Mr. Pino on his plan. He agrees with Agent Nelson that this escarpment is a reason for an exception.

He would like to see this move forward and feels that the material can be removed as long as Ms. Bednaz is notified when the removal begins. Mr. Pino can work on detailing the plan more for the next meeting. He is concerned over spring rains causing more problems.

He added that he feels it important to move forward. This project is less complicated than Mr. Butler's. It will be better for the Town and the homeowner.

Ms. Bednaz added that the other issue is that Mr. Butler's project still needs the Town Manager's approval and his application isn't close to what the Agency is looking for.

Chairman Maxellon polled the Agency members as to whether or not Mr. Pino can move forward immediately.

Agents Lemay and Peruta felt that an exception should not be made.

Agents Staples, Keller, Nelson, Szczesiul and Albert all felt that an exception should be made.

Chairman Maxellon stated that Mr. Pino could begin but must notify Ms. Bednaz prior to starting any work and Mr. Pino must have a more detailed plan by the next Agency meeting.

It was the consensus of Agency members Maxellon, Albert, Keller, Nelson, Staples and Szczesiul that the applicant can begin to remove the soil from the escarpment slope with the understanding that the Wetlands Agent must be notified prior to the start of the work and that a more detailed plan be presented at the Agency's next meeting on November 17, 2009.

d. IW-531- Frank Camerota of Camerota Truck Parts - requesting an permit to conduct remediation activities at 249 Shaker Road (Map 94, Lot 11), some of which have already been conducted, within the regulated area. Submitted 10/13/09, received 10/13/09, PPE 10/27/09, **MAD 12/17/09. This application was received by the Agency.**

No one was present to represent the applicant, Ms. Bednaz explained the application. She stated that the property was previously used as a fertilizer plant, which burned down many years ago. It was the site of a federal clean up effort but still contains contamination from chlordane.

It is of benefit to the town that the site be cleaned.

The whole site has been bulldozed, to remove the chlordane, but it was done without a permit.

The area is not mapped as wetlands so she is unsure exactly where the wetlands are, now that the bulldozing activity has taken place. There are, however, many indicators that show wetlands.

More work will be done on the plans for the Agency's next meeting, scheduled for November 17, 2009.

Chairman Maxellon asked if this was a "superfund" site and if so, does this mean that it was not fully cleaned?

Ms. Bednaz stated that she is unsure. She hasn't had time to go through the large amount of documents relating to this property.

This application was received by the Agency.

13. Other Business

a. Electronic Packet Discussion: Chairman Maxellon noted that the packet for this meeting was 66 pages. Printed copies of all materials used to be made by Town staff. Now, if a member wants the packet printed, it must be done at his or her own expense. Members are volunteers and receive no compensation; this could be costly.

Agent Nelson agreed. The intent is a great idea but it does not work for her. Most of the back-up information is needed for multiple meetings.

Agent Peruta stated that he likes the concept but feels it needs to be refined. Not all documents are suited for computer viewing but this is a good starting point.

Agent Keller stated that he wants this to keep progressing and not be dropped entirely.

Agent Staples stated simply that he hates the electronic method.

Agent Lemay also stated that he likes the concept but agrees with Agent Nelson that most items need to be printed.

Agent Albert also agreed with Agent Nelson. He likes to bring a map to the application site and this cannot easily be done on a computer. He noted that it would be acceptable for the minutes to be available on line and not necessarily printed.

Agent Szczesiul stated that it may be efficient for the town but it is important for the members to have actual documents in our hands.

Chairman Maxellon stated that it is great to have the materials available on line for the public but it is the overwhelming consensus to go back to printed packets.

Ms. Bednaz expressed her appreciation for the feedback from members. She explained that the Planning office staff has been reduced by ½ staff person. Posting the packets on line saves a great deal of time in copying and preparing the packets.

Chairman Maxellon suggested getting a cost on having the packet preparation outsourced, once they are scanned.

Ms. Bednaz suggested keeping the minutes on-line only and the application.

Chairman Maxellon stated that he would like the entire application packet on paper to make a complete set.

Agency members held further conversation as to what their preferences are and how electronic packets might work in the future, such as the use of thumb drives, or laptop computers being assigned to each Agency member.

Chairman Maxellon suggested that PZC try the electronic packets so that their feedback can be heard as well.

Agent Nelson also noted that the information is not always readily available on line. She stated that she could not get the information she needed yesterday, within 24 hours of the meeting.

It was decided that for now, Agents Peruta and Keller would receive their packets on line; the rest of the members will receive hard copies.

b. IWWA Fines Ordinance: Ms. Bednaz briefly reviewed the discussion held at the Agency's special meeting on October 6, 2009 regarding the fines ordinance. The Agency had picked an ordinance that best resembled how it should be structured for Enfield. She is waiting for input from the members for changes within the document, perhaps pulling sections from other towns' ordinances and inserting them in this one. She asked that any comments be submitted to her by the meeting of November 17, 2009 so she can begin working on a final draft.

c. IWWA Fee Schedule: Agent Albert asked if a comparison could be made with Manchester or Vernon – towns of approximately the same population as Enfield.

Agent Keller asked how the prices are derived – is it just by comparison of other towns?

Ms. Bednaz explained that Schedule A is derived from actual costs, such as for the legal notices plus a small amount for time spent to take in the application.

Some fees are less than the actual cost in order to keep fees reasonable and not discourage people to come in.

Schedule B contains a small portion of the actual cost to review an application, such as time of review to evaluate impacts.

It is designed to promote smart development.

Agent Keller noted that staff gets paid by the Town to review applications.

Chairman Maxellon noted that the Town could just charge the \$60 fee required by the State. Or, the Town can try to recover some of the costs of review from the applicant or let taxpayers pay all costs.

The spreadsheet showing the local town by town comparison of costs of a few recent applications shows that Enfield would in most cases be the lowest costs even after the proposed increases.

There is a need for a balance between recovering some costs from the developer without being too costly and discouraging development.

Agent Staples felt that Enfield's fees should be comparable to those of other towns.

Agent Nelson noted that the recent IWWA application by Villages cost \$370. Under the new fees, that cost would be \$3,600 – a 1,000% increase. She cannot justify this.

She added that an applicant has to pay not only IWWA fees, but also P&Z, Building, Zoning and others. She feels that the fees should be closer to what they are currently.

Agent Keller agreed, stating that especially now, with the poor economy, costs should not be rising.

Agent Peruta agreed that it would be a steep increase but added that it would still

be significantly less than other towns. He thinks the increase is a good idea.

Agent Szczesiul stated that he understands the need to cover costs but feels that 1,000% is ridiculous. He wants Enfield to remain the lowest cost town.

Agent Albert suggested that an audit be conducted to justify the increase. He would like to see a breakdown of costs.

Chairman Maxellon stated that he is unsure if that data is available. He agrees that there should be some justification.

He added that with the proposed increases, Enfield would still be comparable or lower than the competition. In a big project, developers will look at other costs besides application fees – things like property taxes, location and availability of workers.

Agent Peruta noted the need to dissuade applicants from "abusing" Town staff by requiring excess help. He suggested a "time and materials" basis for fees. This way, the applicant would have the ability to control costs.

Chairman Maxellon asked if there is an accounting procedure to determine costs.

Ms. Bednaz explained that she used to be a consultant and had to keep track of each project. As a Town employee, it is difficult to keep track of how much time is spent on each application because of all of the interruptions.

She gave an example of one of tonight's applications – Mr. Butler. She has already visited his property twice plus has had numerous telephone conversations with him. She has spent at least 5 hours on this application thus far. At a "cheap" price of \$60/hr, that would be \$300. A normal price is \$100/hr, making the cost \$500.

She can get her exact cost to the Town with benefits.

She went on to say that the way the new fee schedule is set up, it helps cover both her and engineering's costs. Other departments have fees to cover their costs and she feels that the IWWA should also.

She stated that she believes that Agency members are comfortable with the proposed fees for Schedule A.

She suggested keeping the structure of Schedule B, but keeping the fees low. This would still encourage smart development and over the next year or so, she could request the Town engineer and other departments to track their actual costs for applications.

Chairman Maxellon stated that for the next 6 months Ms. Bednaz can keep track of her time spent on each application.

Agent Staples noted that the cost of the Town vehicle used for inspections needs to be added.

Agent Peruta noted that a cost audit can get very complicated. There needs to be a

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better way to solve this. It is unfair to have taxpayers pay for 200-300 hours of review.

Ms. Bednaz will discuss the Agency's request for tracking costs between now and the Agency's next meeting.

Ms. Bednaz stated that she can come up with rough numbers and will check with the Engineering Department for an approximate time and cost.

She noted that the last revision to the regulations was made in 2004 and there may not have been any increase in fees then.

Ms. Bednaz also added that every application is different. She suggested adding the structure of Schedule B to the regulations so that it can be made part of the regulations. The fees can be adjusted once everyone is comfortable with agreed upon figures.

Chairman Maxellon asked Agency members to review the fee schedule between now and the November 17, 2009 meeting to decide if the format only is "doable" with no dollar amounts in schedule B. Ms. Bednaz will do an approximate tracking of applications going forward for the next 6 +/- months.

Ms. Bednaz stated that she will email the model regulations and the updated version by Mr. Sadlowski, as well as the regulations now in use.

d. IWWA Regulation Revisions: A motion was made by Agent Peruta and seconded by Agent Keller to table Agenda items b, c, and d. Vote was 7-0-0.

e. Next regular meeting is Tuesday, November 17, 2009 at 7:00PM in the Council Chambers.

f. New Standard Condition of Approval – Removal of Materials from Site: Ms. Bednaz gave the example of the 2 applications tonight that had received materials from Eppendorf that were dumped over the escarpment slope. If Eppendorf, a recently approved applicant, had been required to tell where their materials were being moved to, they would have been told not to put them on Butler's or Pino's property.

Agent Albert asked if soil samples would be taken.

Ms. Bednaz explained that every truck is supposed to have a bill of lading stating that there are no contaminants. She is unsure if sampling can be required without a condition of approval.

Chairman Maxellon noted that soil samples can be very costly.

Agent Albert stated that he wants to make sure that material being moved is not contaminated.

Chairman Maxellon noted that fill is moved all of the time now.

Agent Albert replied that he does not think that it is right.

Ms. Bednaz noted that the question is that of liability. She wondered that if material is being removed and not being put into an area with wetlands, would it be in the IWWA's jurisdiction to have it tested?

Agent Peruta stated that at least there would be a record of where the soil is going to and coming from.

Chairman Maxellon stated that the IWWA's only concern is that soil removed from a site is not going to another wetland area. Testing would be an expensive burden to the applicant.

Ms. Bednaz noted that it would be good research to know who regulates the soil and how. It may be better suited for PZC to have oversight, if the State doesn't oversee this closely.

Ms. Bednaz stated that it would be good to have this condition with respect to wetlands, but unless the material is known to contain contaminants, it is not in the IWWA's jurisdiction to require testing.

A motion was made by Agent Nelson and seconded by Agent Keller to approve the following new standard condition of approval: "If the project requires that materials be removed from the site, the Inland Wetlands & Watercourses Agency or its designated Agent must be notified in writing within two business days of the commencement of permitted activities of where the removed materials will be deposited". Vote was 7-0-0.

14. Adjourn: A motion was made by Agent Nelson and seconded by Agent Keller to adjourn the meeting at 10:18 p.m. Vote was 7-0-0.

Respectfully Submitted,

Jo-Marie Nelson, Secretary

***** Wetlands Agent Report *****

Memo

To: Enfield Inland Wetlands and Watercourses Agency
From: Katie Bednaz, Assistant Town Planner/Wetlands Agent
Date: November 10, 2009
Re: Wetlands Agent Report

Site Visits

Site visits are listed with a small detail if necessary next, and the inspection dates following.

- 5 Guys Burgers and Fries – 10/14/09
- 54 West Shore Drive – 10/14/09 Grass fully in, looks good.
- 31-35 Betty Road – Beavers – 11/2/09
- Hartford Hospital – Middle Rd./Hazard Ave.
- Mr. Albert Nitch – Post Road 10/14/09
- Meadowlark Channel – 10/14/09
- 169 Cottage Road, Casimir Pawlowski – 10/14/09, 10/22/09
- 21 Manning Road – Ryan Brady Enterprises – 10/16/09
- 1 Keen Court – 11/2/09
- Crescent Beach Road – 11/2/09
- 25 Kimberly Drive – 11/6/09

Agent Approval

None

Other Topics

- A. **Post Office Road/Town Farm Road Reconstruction Project.** Plans for this project have been included in your packet, no application for a permit has been submitted to date but is anticipated to be submitted in December 2009. The reason you have these plans now is so that you may review the proposed work in the field now, before snow falls. This way you can best see the locations of the wetlands and contours of the land as best possible.

This project has over 200 sheets of plans, you have gotten what I feel is absolutely necessary for you to make a decision. A full set of the plans along with reports, correspondence and other information has been posted to the Town's FTP site. I have attached directions on how to access the FTP site and these files. Please, look at the plans and let me know if there are additional plan sheets that you feel you need a hard copy of to properly review this application (when it comes in). Please send me a list of what you would like in writing and I will pass it along to the consulting firm who can make you those copies.

- B. **Play Road** – Please see the correspondence from the Town Engineer that details the current status of the project.
- C. **Escarpment Guidance** has been posted on line in the form of a PowerPoint presentation that has been posted as a pdf so that the file size is manageable. It has been posted on the Planning Departments web page and also under the main page "Leaf Program Info" link. I strongly recommend that folks with escarpment slope issues or questions review this guidance information.
- D. **Crescent Beach Drive Beach** – The Crescent Lake Management Committee has monies available to them in the form of a grant, received back when Neil was in my seat. The Committee has approached me to work with them to free up funds from this grant to do some drainage repairs to the end of Crescent Beach Drive, where stormwater causes erosion to their beach, causing beach sand to enter the lake.
- E. **New England Pre-School Academy** located at 133 Post Office Road has come in for an ART for a proposed expansion of the existing building. This would require the building to be located closer to the wetlands than it currently is. It is anticipated that this application will come in front of the IWWA shortly.
- F. **Freshwater Brook** – I have been approached by the Director of Public Works to assist them in removing the invasive species that border the Brook. This also includes the removal of the chain link fence that follows the Brook. The projects goals are to improve the opportunities for recreation along the Brook, control the spread of the invasive species in this location and improve the aesthetics of this area. This activity borders on being permitted as a non-regulated use. Due to the removal of the fence, I have request that an Agent Approval Application be filed for this activity.
- G. **Meadowlark Channel**- An Agent had asked if any plantings were to be installed as part of this project. The project as approved only proposed to re-establish herbaceous vegetation and preserve existing trees and shrubs as possible. No new trees or shrubs were proposed to be installed as part of the project. However, the resident at 60 Broadleaf Lane requested that shrubs be installed instead of a fence. This request is being fulfilled.
- H. **169 Cottage Road** – A complaint from a neighbor came in on 169 Cottage Road. The complaint was that construction debris from 169 Cottage Road was blowing around the neighborhood as well as into the Shaker Pond. This house has been being constructed for approximately 5 years because the owner has run into many issues that has slowed its progress. On March 2, 2004 the IWWA issued IW#405 for the construction of the house, the permit was valid until March 2, 2009.

Attached is an email correspondence that gives the details of this issue and the methods of resolution. In addition, a copy of his letter that I had requested is also attached.

Bednaz, Katie

From: Bednaz, Katie
Sent: Tuesday, November 03, 2009 10:51 AM
To: 'Pawlowski, Casimir'
Subject: RE: 169 Cottage Road

Great. Thank you.

Katie Bednaz

Certified PWS & Registered Soil Scientist

Assistant Planner / Wetlands Agent

Enfield Town Hall

320 Enfield Street

Enfield, CT 06082

Phone: (860) 253-6358

Fax: (860) 253-4729

From: Pawlowski, Casimir [mailto:cpawlowski@colt.com]
Sent: Tuesday, November 03, 2009 10:14 AM
To: Bednaz, Katie
Subject: RE: 169 Cottage Road

Katie,

sent the hard copy letter out this AM. I will also e-mail you a copy off of Sandra's computer when I get home tonight.

Thanks,

Caz

-----Original Message-----

From: Bednaz, Katie [mailto:kbednaz@enfield.org]
Sent: Thursday, October 29, 2009 1:14 PM
To: Pawlowski, Casimir
Subject: 169 Cottage Road

Hi Casimir,

The following is a copy of the email that went out yesterday updating Town Staff and council on the wetlands issues associated with 169 Cottage Road.

On Friday October 23rd, I conducted a site visit with Casimir Pawlowski to go over what remains to be done for the project. This meeting was scheduled immediately after a phone conversation with Casimir, who was very cooperative in meeting with me. In my phone conversation I had asked him to clean up any debris around the yard that had the potential to be blown around by wind before our meeting on site.

During my site inspection it was observed that all the debris that had been requested to be cleaned up was. I expressed how important it was for the site to remain clean of debris that may blow into the lake. Hopefully he understands the importance and this will no longer be an issue. As a side note, the house to the southwest had multiple tarps in their yard, not secured. There was also a float across the lake on the bank, that had blown out of someone's

yard. The issue of blowing debris extends beyond the subject property.

The other IWWA issue that exists, is the fact that his IWWA permit has expired. I reviewed the activities that are left to be completed for the property to see if any required soil disturbance within the regulated area. Currently, the location of the fireplace is excavated and soil piles are around the hole, encompassing approximately a 5'x5' area. These pile have been in place for many months and show no signs of soil migrating towards the lake. I have asked him to install erosion controls between the exposed soil and the lake. This has not been done to date, I spoke with his wife today who stated that she would ask that he have it done by tomorrow.

Casimir stated that the driveway will be finished with stone and no additional excavation is required. The driveway is located outside of the regulated area. Lastly, he may be putting stepping stones on the slope on the southwest side of the house. This is a minor activity and would be exempt from requiring a permit under Section 4.1.d of the IWWA Regulations.

I have consulted Doug Maxellon, the Chairman of the IWWA, to get his opinion on if the permit is required to be renewed at 169 Cottage Road. He had agreed with me that as long as there are no additional soil disturbance activities proposed for the property, that a renewing (at this point obtaining a new permit) the permit would not be required. However, it will be required that the applicant submit a letter to the Town stating such, this letter will also need to address the fireplace that remains to be constructed and how the potential for erosion will be controlled and how the soil will be stabilized.

The purpose of a IWWA permit is for their to be communication between the Town and the applicant about what is expected and it to be defined in writing. It is our opinion that the applicants verbal and written correspondence fulfills this requirement, as a more thorough review has already been conducted through the permitting process. Also, there do not appear to be any issues with extending the initial permit, if it had been done when required. If additional activities that require soil disturbance occur, or there are issues with the activities that currently remain, compliance would be achieved with IWWA Enforcement Policy.

Therefore, as long as the applicant submits in writing what regulated activities remain, and they must not be more than what has been discussed to date, a new permit application will not be required. This is all contingent on continued compliance and cooperation on resolving any IWWA issues that exist on the site.

As always, please contact me with any questions or concerns.

The letter that you submit must detail what remains to be done that requires soil disturbance, that you will maintain the site in a fashion that will not impact the resource areas (keeping the site tidy, maintaining erosion controls and stabilizing any exposed soil) and that you will remain in compliance with your letter. The letter should also state that your development will not vary from the plans that were approved as part of the IWWA Permit #405. I must have this letter to my office before the end of next week so that it may go out to the IWWA before their next meeting as a correspondence item. Please note that the Chair of the Agency is being flexible with your situation, so any deviation from what is required could cause you to require an active IWWA permit.

As always, please contact me with any questions or concerns. Your continued cooperation is appreciated.
Thank you,

Katie Bednaz
Certified PWS & Registered Soil Scientist
Assistant Planner / Wetlands Agent
Enfield Town Hall
820 Enfield Street
Enfield, CT 06082

Phone: (860) 253-6358
Fax: (860) 253-4729

Casimir and Sandra Pawlowski
169 Cottage Road
Enfield, Connecticut 06082

Katie Bednaz
Wetlands Agent
Town of Enfield

October 29, 2009

Dear Ms. Bednaz,

In reference to our phone conversation today, October 29, 2009, I would like to request an extension to our wetlands permit for 169 Cottage Road.

During your inspection about a week and a half ago you informed me of my responsibilities concerning the property at 169 Cottage Road. All loose items have been secured either inside the structure being built and or the garage.

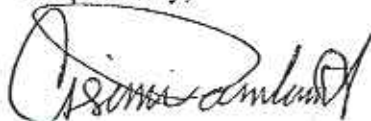
There will be no disruption of soil on the property except for the adding of crushed stone for the drive way (in the front of the house) and the placement of flag stone up sides of the house for use as steps. The fire place contour will be back filled once the fire place has been completed with the original soil that was removed for access to the foundation (for the mason's inspection).

A silt fence has been installed around the fireplace as you requested. The silt fence will stay in place until the fireplace is completed.

In the spring we are planning to plant a few pods of ornamental grasses to help prevent erosion on the South West side of the house. We will also seed any bare spots with ground cover if any appear after the winter thaw.

Please call or e-mail me if there are any questions or additions to this project. Thank you for all your help and guidance concerning this property.

Respectfully,



Casimir Pawlowski



How to Externally Access Enfield's FTP Website

The site is <ftp.enfield.org>. It is basically a folder on the internet, which allows the basic copy and paste function. You must log-in to use it and you log out by leaving the site, there is no formal log-out.

You can access the site with any ftp program. Access varies by application:

Command line would be "ftp <ftp.enfield.org>"

Browser you would enter <ftp://ftp.enfield.org>

The easiest way to access the site is through Windows Explore which makes copying and pasting documents easier.

Once you reach the site a log-in box will appear. Enter the following username and password.

External user name: **Ftpuser**

External user pwd: **820EnfieldSt**

You can then paste or retrieve your documents or folders to the site. There is no automatic notification to the Planning Department that you have done so, so please follow up with an email or phone call so that we can retrieve your posted documents.

Any questions, please contact the Planning Department at 860-253-6355. Thank you.

***** NEW BUSINESS *****

IW #528

IW #529

IW #530

IW #531

*****IW #528*****

Memo

To: Enfield Inland Wetlands and Watercourses Agency
From: Katie Bednaz, Assistant Town Planner/Wetlands Agent
CC: File
Date: October 19, 2009
Re: Agent Review for IW# 528

I have reviewed the application IW#528 requesting an addition to the existing building at 21 Manning Road, on Friday October 16, 2009 a site visit was conducted. The following are my review comments.

- 1) The wetland boundary was reviewed in the field and only a few stubs of wetland flagging were observed making it was difficult to determine the exact delineation. However, the wetland in most location ends abruptly at the toe of a defined slope that persists along the proposed project area. The locations that the work is proposed close to the wetland boundary is where the boundary is distinctly defined, therefore, it is not necessary for the flagging to be refreshed at this time. Overall, the wetland delineation appeared to be accurate.
- 2) The oil tank located to the east of the existing building, on a concrete pad, where the addition is proposed was observed during my site visit. This tank is not connected to anything and appears to not be functioning at this time. The applicant should specify their plans for this tank, as well as showing its location on the existing conditions plan.
- 3) It is recommended that a detail be added to the plans that specify how catch basins will be protected during construction. Catch basins located at a lower elevation than earth work should be protected, silt sacks or similar devices are acceptable devices for this application, filter fabric is not.
- 4) No construction entrance is shown on the plans, however, it is listed in the notes portion of the plans. It is recommended that the applicant specify on the plans how soil tracking will be managed on the site. If a construction entrance is to be used, it should be depicted on the plans.
- 5) It is recommended that a maintenance schedule be included on the plans for the bio-retention area.
- 6) The drainage report for this proposed project was not submitted as part of this application and should be, so that it may be included in the file. Currently, the Engineering Department has a copy of this report from the PZC application submitted for the proposed activity. A copy of this report must be submitted for the IW#528 file and if it has changed from the originally submitted report, a second copy must be submitted for distribution to the Engineering Department for further review.

Bednaz, Katie

From: Bednaz, Katie
Sent: Monday, October 19, 2009 4:08 PM
To: Bednaz, Katie; 'tdgrimaldi@cox.net'; 'chuckbrady@abcontainer.com'
Cc: Giner, Jose; Cabibbo, John
Subject: RE: IW-528 Staff Review Report

One more item. Please remember to specify snow storage locations on your plans for if the entire parking lot is utilized.

Katie Bednaz

Certified PWS & Registered Soil Scientist

Assistant Planner / Wetlands Agent
Enfield Town Hall
820 Enfield Street
Enfield, CT 06082

Phone: (860) 253-6358
Fax: (860) 253-4729

From: Bednaz, Katie
Sent: Monday, October 19, 2009 3:33 PM
To: 'tdgrimaldi@cox.net'; 'chuckbrady@abcontainer.com'
Cc: Giner, Jose; Cabibbo, John
Subject: IW-528 Staff Review Report

Attached is the IW-528 staff review. As always, please contact me with any questions or concerns.
<< File: IW528 21 Manning Rd Agent Review.pdf >>

Katie Bednaz

Certified PWS & Registered Soil Scientist

Assistant Planner / Wetlands Agent
Enfield Town Hall
820 Enfield Street
Enfield, CT 06082

Phone: (860) 253-6358
Fax: (860) 253-4729

Certified Mail: XXXX XXXX XXXX XXXX XXXX

DRAFT WETLANDS PERMIT #IW-528

November 18, 2009

Attn: Mr. Ryan Brady
Ryan Brady Enterprises, LLC
21 Manning Road
Enfield, CT 06082

Dear Ryan Brady Enterprises, LLC,

At a regular meeting held November 17, 2009, the Enfield Inland Wetlands and Watercourses Agency took the following action:

IW-528 Ryan Brady Enterprises – Requesting a permit to construct a ± 4,096 sf building addition with associated loading docks and access drives with the regulated area at 21 Manning Road (Map 34, Lot 13). **Approved with conditions.**

The permit is issued subject to the following conditions of approval.

Prior to the start of construction:

1. The Inland Wetlands and Watercourses Agency or its designated Agent must be notified in writing within two business days of the commencement of permitted activities, and upon completion of said activities; a "business day" is a day when the Town Hall is open for business.
2. Prior to the start of construction or, if applicable, the issuance of a building permit the half-sized (approximately 11" x 17") plans as approved by the Agency and the Planning and Zoning Commission shall be submitted to the Inland Wetlands Agent;
3. If the project requires that materials be removed from the site, the Inland Wetlands and Watercourses Agency or its designated Agent must be notified in writing within two business days of the commencement of permitted activities of where the removed materials will be deposited.
4. The permittee/contractor shall schedule a pre-construction meeting with the Inland Wetlands Agent to be held no sooner than two weeks before the regulated activities are to begin. The permittee shall, at that time, review with the Inland Wetlands Agent, the procedures to be taken to protect the regulated areas prior to and during construction;
5. Prior to the start of work, the permittee shall submit an electronic copy of the existing conditions plan that shows the wetland boundary in accordance with the "Town of Enfield, CT Geographic Information Systems Electronic Submittals Ordinance."

General Conditions of Approval:

6. This permit shall be valid for 5 years from the date of approval unless otherwise revoked or specifically extended;

7. All work and all regulated activities conducted pursuant to this permit shall be consistent with these terms and conditions hereof. Any structures, excavation, fill, obstruction, encroachments or regulated activities not specifically identified and authorized herein shall constitute a violation of this permit and may result in its modification, suspension, or revocation. Upon initiation of the activities authorized herein, the permittee thereby accepts and agrees to comply with the terms and conditions hereof;
8. This permit is not transferable without the written consent of the Enfield Inland Wetlands and Watercourses Agency **or its designated Agent**;
9. In issuing this permit, the Agency has relied on information provided by the applicant and, if such information subsequently proves to be false, deceptive, incomplete and/or inaccurate this permit shall be modified, suspended or revoked;
10. This permit shall be made a part of all construction contracts and sub-contracts pertaining to the proposed regulated activities and shall supersede all other contract requirements;
11. The permittee shall permit the Agency, its authorized representative(s) or designee(s) to make periodic inspections at any time deemed necessary in order to assure that the activity being performed under authority of this permit is in accordance with the terms and conditions prescribed herein;
12. No equipment or material including without limitation, fill, construction materials, or debris, shall be deposited, placed, or stored in any wetland or watercourse on or off site unless specifically authorized by this permit;
13. This permit is subject to and does not derogate any present or future property rights or other rights or powers of the Town of Enfield, and conveys no property rights or in real estate of material nor any exclusive privileges, and is further subject to any and all public and private rights and to any activity affected hereby;
14. Prior to the start of construction, adequate erosion and sedimentation control measures shall be implemented, and shall be maintained throughout the entire construction phase and shall meet or exceed the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control, as revised, until the site has become stabilized with permanent vegetative cover. The construction site shall be left in a stable condition at the close of each day. An adequate stockpile of erosion control materials shall be on site at all times for emergency or routine replacement and shall include materials to repair silt fences, haybales, mulch, stone-riprap filter dikes or any other devices planned for use during construction. Additional erosion/stormwater control measures are to be installed as directed by the Inland Wetland Agency, its authorized representative(s) or designee(s) if field conditions necessitate. The permittee shall immediately inform the Department of Planning and Community Development of any problems involving wetlands or watercourses which have developed in the course of, or which are caused by, the authorized work;
15. All temporary barriers, including erosion and sedimentation controls are to be removed when the site is stabilized in suitable weather conditions. The site is considered stabilized when there is equal to or greater than 70% vegetative cover;
16. With the exception of the addition of the items stated in these conditions, this application is approved in accordance with the plans entitled:

- Existing Conditions Map, prepared for Ryan Brady Enterprises, LLC, 21 Manning Road, Enfield, CT, prepared by Dufour Surveying Associates, 22 West Hill Road, New Hartford, CT, dated 9/30/09, revised to 10/4/09.
- Site Layout Plan, prepared for Ryan Brady Enterprises, LLC, 21 Manning Road, Enfield, CT, prepared by Dufour Surveying Associates, 22 West Hill Road, New Hartford, CT, dated 9/30/09, revised to 10/4/09.
- Site Development/Erosion and Sedimentation Control Plan, prepared for Ryan Brady Enterprises, LLC, 21 Manning Road, Enfield, CT, prepared by Dufour Surveying Associates, 22 West Hill Road, New Hartford, CT, dated 9/30/09, revised to 10/4/09.
- Landscape Plan, prepared for Ryan Brady Enterprises, LLC, 21 Manning Road, Enfield, CT, prepared by Dufour Surveying Associates, 22 West Hill Road, New Hartford, CT, dated 9/30/09, revised to 10/4/09.
- Construction Notes and Details, prepared for Ryan Brady Enterprises, LLC, 21 Manning Road, Enfield, CT, prepared by Dufour Surveying Associates, 22 West Hill Road, New Hartford, CT, dated 9/30/09, revised to 10/4/09.
- Sediment & Erosion Control Notes & Details, prepared for Ryan Brady Enterprises, LLC, 21 Manning Road, Enfield, CT, prepared by Dufour Surveying Associates, 22 West Hill Road, New Hartford, CT, dated 9/30/09, revised to 10/4/09.
- Drainage Analysis for Bio-Retention Area dated 9/23/09.

Any changes that would potentially cause greater impact to wetlands or watercourses, such as enlargement of the area of disturbance or reorientation of building footprints, from the plans shall require the permittee to come before the Enfield Inland Wetlands and Watercourses Agency for a Determination of Permit Need (Jurisdictional Ruling) or Permit Modification.

17. A copy of the As-Built plan with the topography certified to T2 accuracy shall be submitted to the Agency **or its designated Agent** upon completion of the project to ensure compliance with this approval. In addition an electronic copy of the As-Built plan shall be submitted in accordance with the "Town of Enfield, CT Geographic Information Systems Electronic Submittals Ordinance".
18. The Inland Wetlands and Watercourses Permit number shall be located on all future plans to any Town or State Agency.

Special Conditions of Approval:

19. Temporary inlet sediment filter is to be installed on all paved catch basins or storm inlets. Inlet filter to be similar to "Streamguard" as manufactured by Stormwater Services or "Siltsack" as manufactured by Atlantic Construction Fabrics, Inc. Filters shall be cleaned as needed.
20. A performance surety bond in the appropriate form shall be posted for 125% of the cost estimated by the applicant for the bio-retention area plantings as proposed in the approved plans. The bond shall be released IWWA Agent upon the plants being installed for at least 1 year and an inspection and determination that the work was completed, as approved and completed to the Agent's satisfaction. Release of the bond by any other agency, board or commission does not remove the permittee's obligations with regard to this permit condition. This bond may be combined with the Planning and Zoning Landscaping bond if the applicant so desires.

NOTE: This permit does not relieve the applicant from his responsibility to apply for any other permits required by local, state or federal agencies.

This authorization constitutes the permit required by Section 22a-39 of the Connecticut General Statutes. The decision legal notice will be published in the Journal Inquirer on **DATE, 2009**. Please note that the appeal period (15 days) begins as of the date of publication in accordance with Section 8-8 of the State Statutes.

Issuance of the Inland Wetlands and Watercourses permit does not abrogate the responsibility to obtain permits that may be necessary from other agencies at the local, state or federal level prior to commencing your project.

Please ensure you review the conditions of approval thoroughly and note that **a pre-construction meeting is required as per condition #3, prior to commencement of any activity on site.** If you have any questions, please feel free to contact me at 253-6358. Office hours are 9:00 AM to 5:00 PM, Monday through Friday. Voice mail is available after business hours.

Sincerely,

Katie A. Bednaz
Assistant Town Planner/Wetlands Agent

cc: File IW#528 & Jose Giner, Town Planner

Bednaz, Katie

From: Cabibbo, John
Sent: Tuesday, November 10, 2009 2:04 PM
To: Giner, Jose; Bednaz, Katie
Cc: Bord, Jeffrey
Subject: Ryan Brady - 21 Manning Road - addition - SPR 1482, W 528

Engineering Division has reviewed the subject site plans, latest revision dated October 4, 2009, along with the drainage analysis dated September 23, 2009. The revision date on the plans should probably be November 4, 2009 as the Town Staff comments were given on October 21, 2009. The Applicant has added a detail for the proposed guide railing as requested at the ART meeting. The pavement detail has not been revised to show a minimum processed stone base depth of 8" as requested at the ART meeting. The drainage analysis submitted indicates how the bioretention area has been sized to improve the quality of the stormwater leaving the subject site. This retention will hold some runoff during storm events but is not sized specifically for zero increase in peak runoff, because the subject site is located in the lower reaches of the Waterworks Brook watershed where detention is not recommended. Finally, the design Engineer has signed and sealed each plan sheet and the drainage analysis, as requested at the ART meeting. The first plan sheet which is the survey does not appear to have a live seal of the Land Surveyor. In addition, the survey certification should note that the topography is T-2 for the area of proposed work.

John Cabibbo, P.E.
Town of Enfield
Engineering Division
Assistant Town Engineer
(860) 253-6366

*****IW #529*****

Bednaz, Katie

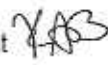
From: Cabibbo, John
Sent: Tuesday, October 13, 2009 2:24 PM
To: Bednaz, Katie
Cc: Bord, Jeffrey; Hawkes, Piya
Subject: RE: 8 Sharp Street - IW 529 - filling violations

Engineering Division has reviewed the application for the subject site violation and viewed the subject site. Engineering has also since been directed to establish the property line between the subject property and the Town's abutting properties. The four numbered items submitted will not adequately stabilize the slope. Some items which should be added to the written plan are removal of all the wood chips dumped on the slope, some treatment of the trees which have been filled over, a description of the method to be used in removing the materials (i.e. heavy equipment, hand shovels and wheel barrows?). This description is vital in understanding how the regulated areas will best be protected and how much area will necessary to complete the proposed work, especially since material already appears to be on Town property. The application should also present a detailed plan on how a stabile slope will be recreated (i.e. tied back wall, specifically graded and vegetated and/or matted slope) once the fill materials have been removed to virgin ground.

John Cabibbo, P.E.
Town of Enfield
Engineering Division
Assistant Town Engineer
(860) 253-6366

Memo

To: Enfield Inland Wetlands and Watercourses Agency

From: Katie Bednaz, Assistant Town Planner/Wetlands Agent 

CC: File

Date: October 13, 2009

Re: Agent Review for ~~IWW# 529~~

I have reviewed the application for 8 Sharp Street and have the following comments and concerns. The application as it has been submitted is to install silt fence at the toe of the slope, remove all materials that have been placed on Town property and remove all wood with paint on it and concrete that have been placed on the escarpment slope and potentially within Inland Wetlands. During a site visit with Marshall Butler we had discussed a much more comprehensive plan that was not presented as part of this application.

I agree that the plan of action submitted is the beginning of mitigating the impacts to the slope and Upland Review Area. In my professional opinion, I do not feel that the application presented will adequately stabilize the slope and a more comprehensive plan is needed.

According to Mr. Butler and confirmed by visual inspection, the materials first placed on the slope are predominantly wood chips. Wood chips are considered organic material as they are derived from plants and will decompose overtime. This decomposed material will become a dark, greasy material which will contain very little mineral material as it is not mixed with mineral components. My education as a soil scientist, experience working with escarpment slopes in the area and common sense leads me to conclude that the wood chips will be a detriment to the stability of the slope. John Cabbibo, the Assistant Town Engineer agrees with this conclusion. It is my opinion that the wood chips should be removed due to the instability of this material, which means that all material must be removed as they were the first deposited on the slope.

As the materials have been deposited on and immediately adjacent to Town property, if the slope were to fail, it would most likely slump onto Town property, impacting the wetlands and the water flow on the Town property. Therefore, I feel that it is very important to permit an activity that has a high probability of success to prevent future liability issues. This application does not appear to meet Section 10 of the IWWA Regulations, specifically section 10.3.e. which is quoted below.

"The character and degree of injury to, or interference with, safety, health, or reasonable use of property, including abutting or downstream property which would be caused or threatened by the proposed regulated activity, or the creation of conditions which may do so, especially those resulting from activities within the regulated area. This includes recognition of potential damage from erosion, turbidity, or siltation, loss of fish and wildlife and their

habitat, loss of unique habitat having demonstrable natural, scientific or educational value, loss or diminution of beneficial aquatic organisms and wetland plants, the dangers of flooding and pollution, and the destruction of the economic aesthetic, recreational, and other public and private uses and values of wetlands and watercourses to the community;"

Lastly, due to the fact that a portion of the materials deposited were deposited on Town property, a Right of Entry and Consent Form must be completed prior to the permit being issued. A copy of this Form is attached for your reference.

**TOWN OF ENFIELD
CONNECTICUT
RIGHT OF ENTRY AND CONSENT FORM**

We, the Town of Enfield, owners of the property known as lot 414 of assessors map 67 in the Town of Enfield, grant Marshall Butler, their agents and contractors, the right to access and enter into and upon said property to remove materials that have been deposited without permission on the escarpment slope and within the Upland Review Area. These materials consist of soil, wood chips and miscellaneous construction debris. The primary access for the removal of this material will be from 8 Sharp Street, known as lot 415 of assessors map 67.

This right to enter is given subject to the following conditions:

- a) Marshall Butler shall save the Town of Enfield harmless from any and all claims for damages arising during the work and name the Town additional insured on applicant's certificate of liability insurance (or Homeowners insurance).
- b) Marshall Butler prior to the start of construction, will provide to the Town a schedule of work, the completion date, and the name(s) and address(es) of any contractor(s) that will be performing work on this project. Further, Marshall Butler shall insure the contractor(s) are properly licensed and bonded within the State of Connecticut.

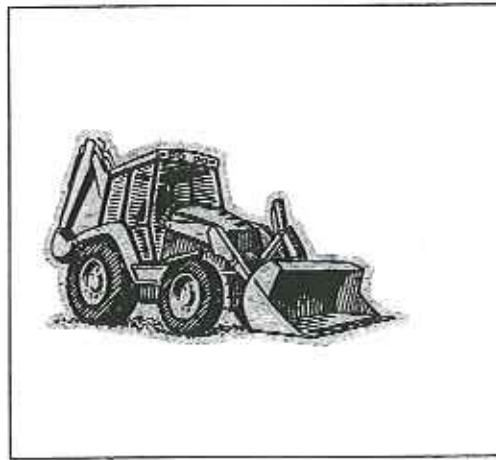
Matthew W. Coppler, Town Manager

Date

Marshall Butler

Date

**RAH Construction
48 Sapphire Street
Enfield, CT 06082**



Katie Bednaz, Assistant Planner/Wetlands Agent
Town of Enfield
820 Enfield Street
Enfield, CT 06082

RE: Work proposed to be performed at 8 Sharp Street by RAH Construction

Dear Ms. Bednaz:

At the request of the homeowner for 8 Sharp I am sending this letter to tell you how I propose to do the cleanup work on the escarpment at the above location. First let me make it clear I intend to do the work with the least amount of disturbance to the escarpment. I will be using a John Deere 490 Excavator and or a John Deere 410 Backhoe with a rake attachment. The equipment will be brought to the original escarpment soils. My work will be done from the top of slope, with equipment reaching to the base. RAH will:

- **Excavate any debris and fill previously dumped over escarpment**
- **Dig to original grade**
- **Remove materials not disturbing virgin soils**
- **Rake all remaining fill to establish pre-fill grades**
- **Haul away and dispose of fill**

This is the extent of my work scope at the present time.

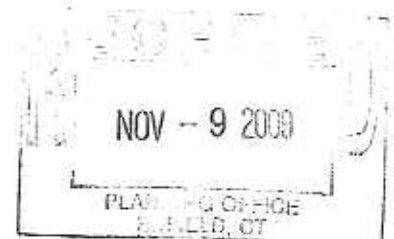
- **Hay/erosion control to be done by others**
- **Any plantings needed on escarpment is not part of this agreement**

Please let me know if I can be of further assistance to you.

Very truly yours,

Robert A. Higley, Sr.
Owner/Operator

10/6/09



Tuesday, November 10, 2009

To whom it may concern'

I Marshall Butler will:

- 1) Complete RAH 10/6/09 letter that details construction sequence
- 2) While completing RAH construction sequence the area will be evaluated to determine if suitable materials can remain on slope. If so:
 - a. All materials will be deemed suitable by the Town of Enfield by field inspection.
 - b. Final slope will be at a 3:1 grade or less.
 - c. No fill will extend beyond the current toe of slope.
- 3) Whether or not materials are left on slope:
 - a. Erosion control blanket will be installed on all disturbed soils
 - b. Erosion control seed mix will be applies to the recommended amount on all disturbed / exposed soils.
 - c. If fill is added at least 6" of topsoil will be applied.
- 4) Over time, small native trees and shrubs will be installed to ~~secure the~~ slope.

Marshall Butler

****IW* #530***

Bednaz, Katie

From: Cabibbo, John
Sent: Tuesday, October 13, 2009 2:34 PM
To: Bednaz, Katie
Cc: Bord, Jeffrey
Subject: 1 Keen Court - IW 530 - filling violation

Engineering Division has reviewed the application for the subject site violation. Engineering has also since been directed to establish the property line between the subject property and the Town's abutting property. The bulleted items submitted do not adequately detail how the Applicant plans to stabilize the slope. A detailed description of the method to be used in removing the materials (i.e. heavy equipment, hand shovels and wheel barrows?). This description is vital in understanding how the regulated areas will best be protected and how much area will necessary to complete the proposed work. A more detailed plan on how a stabile slope will be recreated once the fill materials have been removed to virgin ground (i.e. what specific slope grade is proposed ?, will the surface be matted ?, will there be soil reinforcement ?) should be submitted.

John Cabibbo, P.E.
Town of Enfield
Engineering Division
Assistant Town Engineer
(860) 253-6366

1W530

K & B Diversified Services, LLC
32 Somers Road
Enfield, CT 06082
860-749-5001

October 20, 2009

Katie Bednaz, Assistant Town
Planner/Wetlands Agent
Town of Enfield
820 Enfield Street
Enfield, CT 06082

Proposed Work to be Done at One Keen Court, Enfield, Start Date 10/26/08 - 10/27/09

Remove fill which was pushed over escarpment on the south side of property by property owner in the following sequence:

1. Remove approximately 36 yards of soil that is piled at top of slope.
2. Level area and prep for work on escarpment.
3. Remove as much foreign fill as possible without damaging slope, trying not to remove any existing vegetation or small trees.
4. Seed slope with proper mix for slopes.
5. Stabilize seeding and slope with mulch hay.

The property owner has placed silt fence and hay bales at the bottom of slope to catch erosion.

Fill that is removed from the property will be hauled to Plaza Excavation, 295 North Maple Street, Enfield.

The seed bag label will be kept to show that the proper seeding for slopes was used.

Kcith A. Urbon

K & B Diversified Services, LLC
32 Somers Road
Enfield, CT 06082
860-749-5001

October 26, 2009

Katie Bednaz, Assistant Town
Planner/Wetlands Agent
Town of Enfield
820 Enfield Street
Enfield, CT 06082

Revised Proposal for Work to be Done at One Keen Court, Enfield

Remove fill which was pushed over escarpment on the south side of property by property owner in the following sequence:

1. Remove approximately 36 yards of soil that is piled at top of slope.
2. Level 20' x 30' area at top of slope approximately to existing grade, and prep for work on escarpment.
3. Remove as much foreign fill as possible with a 36" grading bucket (without teeth), leaving no more than a 2" depth of fill behind in any location. Remove fill without damaging slope, disturbing virgin soil, and trying not to remove any existing vegetation or small trees.
4. Seed slope with 6 pounds/1,000 square feet of Kwik Green Mix consisting of:

50% Blend Evening Shade, Patriot 4 & Pizzazz Perennial Ryegrass
20% Annual Ryegrass
15% Boreal Creeping Red Fescue
15% Kenblue Kentucky Bluegrass
5. Stabilize seeding and slope with mulch hay.
6. If mulch hay does not stabilize slope, additional methods will be used as approved by the Inland Wetlands Agency.

The property owner has placed silt fence and hay bales at the bottom of slope to catch erosion.

Fill that is removed from the property will be hauled to Plaza Excavation, 295 North Maple Street, Enfield.

Keith A. Urbon

Bednaz, Katie

From: Betty Urbon [bkurb89@sbcglobal.net]
Sent: Tuesday, October 27, 2009 1:33 PM
To: Bednaz, Katie
Subject: RE: Revised Proposal for Keen Court, Enfield

Katie,

I am going to schedule this for Monday, November 2, weather permitting.

Thanks,

Keith

--- On Tue, 10/27/09, Bednaz, Katie <kbednaz@enfield.org> wrote:

From: Bednaz, Katie <kbednaz@enfield.org>
Subject: RE: Revised Proposal for Keen Court, Enfield
To: "Betty Urbon" <bkurb89@sbcglobal.net>
Date: Tuesday, October 27, 2009, 1:24 PM

Looks good. Please give me an email stating the day that you will be starting work.

Thanks,

Katie Bednaz

Certified PWS & Registered Soil Scientist

Assistant Planner / Wetlands Agent

Enfield Town Hall

820 Enfield Street

Enfield, CT 06082

Phone: (860) 253-6358

Fax: (860) 253-4729

From: Betty Urbon [mailto:bkurb89@sbcglobal.net]
Sent: Monday, October 26, 2009 2:59 PM
To: Bednaz, Katie
Subject: Revised Proposal for Keen Court, Enfield

Hi Katie,

Attached is my updated proposal. If you need to get back to me, you can reach me at 558-5903 (cell).

Thanks,

Keith

10/27/2009

DRAFT WETLANDS PERMIT #IW-530

November 18, 2009

Yankee Casting Co. Inc.
138 Main Street
Coventry, CT 06238

Mr. David Pino,

At a regular meeting held November 17, 2009, the Enfield Inland Wetlands and Watercourses Agency took the following action:

IW-530 David & Sandra Pino – Requesting a permit to deposit soil within the regulated area, which has already been conducted at 1 Keen Court (Map 67, Lot 417). Also requesting to remove deposited materials from regulated area, stabilize all exposed soil and install plantings. **Approved with conditions.**

The permit is issued subject to the following conditions of approval:

STANDARD CONDITIONS

Prior to the start of construction:

1. The Inland Wetlands and Watercourses Agency or its designated Agent must be notified in writing within two business days of the commencement of permitted activities, and upon completion of said activities; a "business day" is a day when the Town Hall is open for business.
2. If the project requires that materials be removed from the site, the Inland Wetlands and Watercourses Agency or its designated Agent must be notified in writing within two business days of the commencement of permitted activities of where the removed materials will be deposited.

General Conditions of Approval:

3. This permit shall be valid for 5 years from the date of approval unless otherwise revoked or specifically extended;
4. All work and all regulated activities conducted pursuant to this permit shall be consistent with these terms and conditions hereof. Any structures, excavation, fill, obstruction, encroachments or regulated activities not specifically identified and authorized herein shall constitute a violation of this permit and may result in its modification, suspension, or revocation. Upon initiation of the activities authorized herein, the permittee thereby accepts and agrees to comply with the terms and conditions hereof;
5. This permit is not transferable without the written consent of the Enfield Inland Wetlands and Watercourses Agency or its designated Agent;

6. In issuing this permit, the Agency has relied on information provided by the applicant and, if such information subsequently proves to be false, deceptive, incomplete and/or inaccurate this permit shall be modified, suspended or revoked;
7. This permit shall be made a part of all construction contracts and sub-contracts pertaining to the proposed regulated activities and shall supersede all other contract requirements;
8. The permittee shall permit the Agency, its authorized representative(s) or designee(s) to make periodic inspections at any time deemed necessary in order to assure that the activity being performed under authority of this permit is in accordance with the terms and conditions prescribed herein;
9. No equipment or material including without limitation, fill, construction materials, or debris, shall be deposited, placed, or stored in any wetland or watercourse on or off site unless specifically authorized by this permit;
10. This permit is subject to and does not derogate any present or future property rights or other rights or powers of the Town of Enfield, and conveys no property rights or in real estate of material nor any exclusive privileges, and is further subject to any and all public and private rights and to any activity affected hereby;
11. Prior to the start of construction, adequate erosion and sedimentation control measures shall be implemented, and shall be maintained throughout the entire construction phase and shall meet or exceed the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control, as revised, until the site has become stabilized with permanent vegetative cover. The construction site shall be left in a stable condition at the close of each day. An adequate stockpile of erosion control materials shall be on site at all times for emergency or routine replacement and shall include materials to repair silt fences, haybales, mulch, stone-riprap filter dikes or any other devices planned for use during construction. Additional erosion/stormwater control measures are to be installed as directed by the Inland Wetland Agency, its authorized representative(s) or designee(s) if field conditions necessitate. The permittee shall immediately inform the Department of Planning and Community Development of any problems involving wetlands or watercourses which have developed in the course of, or which are caused by, the authorized work;
12. All temporary barriers, including erosion and sedimentation controls are to be removed when the site is stabilized in suitable weather conditions. The site is considered stabilized when there is equal to or greater than 70% vegetative cover;
13. With the exception of the addition of the items stated in these conditions, this application is approved in accordance with the materials submitted as part of this application, including the letter submitted by K & B Diversified Services, LLC, dated October 26, 2009 detailing the construction activities. Any changes that would potentially cause greater impact to wetlands or watercourses, such as enlargement of the area of disturbance or reorientation of building footprints, from the plans shall require the permittee to come before the Enfield Inland Wetlands and Watercourses Agency for a Determination of Permit Need (Jurisdictional Ruling) or Permit Modification.
14. The Inland Wetlands and Watercourses Permit number shall be located on all future plans to any Town or State Agency.

Special Conditions of Approval:

15. It is understood that the intent of the applicant is to plant native woody vegetation on and along the top of the escarpment slope to aid in further stabilizing the slope. The planting of woody vegetation is not a

requirement of this permit but is highly recommended to aid in maintaining the long-term stability of the slope.

NOTE: This permit does not relieve the applicant from his responsibility to apply for any other permits required by local, state or federal agencies.

This authorization constitutes the permit required by Section 22a-39 of the Connecticut General Statutes. The decision legal notice will be published in the Journal Inquirer on **XXXXX, 2009**. Please note that the appeal period (15 days) begins as of the date of publication in accordance with Section 8-8 of the State Statutes.

Issuance of the Inland Wetlands and Watercourses permit does not abrogate the responsibility to obtain permits that may be necessary from other agencies at the local, state or federal level prior to commencing your project.

Please ensure you review the conditions of approval thoroughly. If you have any questions, please feel free to contact me at 253-6358. Office hours are 9:00 AM to 5:00 PM, Monday through Friday. Voice mail is available after business hours.

Sincerely,

Katie A. Bednaz
Assistant Town Planner/Wetlands Agent

cc: File IW#30
Jose Gincer, Town Planner

****IW* #531***

October 29, 2009

Mr. John Cabibbo
Town of Enfield
Assistant Town Engineer
820 Enfield Street
Enfield, Connecticut 06082

Re: Soil Remediation Activities
249 Shaker Road, Enfield, Connecticut
GeoQuest Project No. 1105

Dear Mr. Cabibbo:

GeoQuest, Inc. (GeoQuest) has received your comments/questions regarding the soil remediation activities at the above-referenced property. As you know, Phase I of the remediation is currently in progress. The following is in response to your comments/questions.

Stockpiled Soils

Phase I of this project consists of remediating soils located in the northern portion of the site. The upper one to two feet of soil will be excavated and stockpiled on the concrete building slab located in the southern portion of the property. Confirmation soil samples will be collected from the completed excavation to ensure that all soil contamination in excess of regulatory criteria has been removed and relocated. The stockpiled soil will be mixed, aerated, and re-sampled. Additional treatment measures will be completed if mixing and aerating the soil does not have the desired effect. An appropriate location for re-use or disposal of the soils will be determined once the remediation and treatment activities have been evaluated.

Once the soil in the northern portion of the property has been addressed, Phase II of the project will commence. Phase II will consist of the excavation, stockpiling, and treatment of contaminated soil from other portions of the site.

Permitting

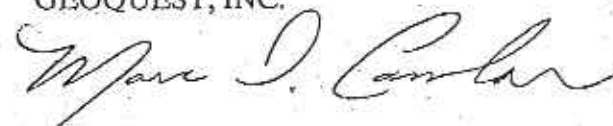
No state permits are required to excavate, stockpile, or remediate the soil on-site.

Construction Entrance

The site is accessed from a private road. GeoQuest sees no indication that an additional entrance is necessary to complete these activities.

If you have any questions or would like to discuss this in further detail, please call me at (860) 243-1757.

Very truly yours,
GEOQUEST, INC.



Marc I. Casslar
President

MICHAEL F. GRAGNOLATI

45 North Street

P.O. Box 3127

Windsor Locks, Connecticut 06096

Tel/Fax 860 623-2588

1W531

Memorandum

TO: Katie Bednaz, Asst. Town Planner
Enfield Inland Wetlands and Watercourse Agency

FROM: Michael F. Gragnolati *MFG*
Registered Professional Soil Scientist, SSS of SNE

Date: November 2, 2009

RE: Additional Photos
249 Shaker Road
Enfield, CT

The attached photos are original submittal to the agency to clarify our position that there were no wetlands on the above referenced site prior to the start of remediation work on the site.

- Figure 8 is a 1934 aerial photo which shows the site as cleared farmland. Freshwater Brook is to the east of the railroad tracks which is the eastern boundary of our site.
- Figure 9 is taken from the private road looking eastward onto the property. Picture was taken across from original driveway on to site.
- Figure 10 is taken from the middle of the site looking southward toward old foundation that was removed and existing building.
- Figure 11 looking southward across the site from the evaporation basin that is in the northwestern corner of the property.
- Figure 12 The evaporation basin in the northwestern corner of the site. Notice concrete slab.

At the meeting as part of the presentation I will have a plan which shows the location of the photographer and the direction in which the photos were taken.

If you should have any questions please contact this office at your convenience

CC: Frank Camerota

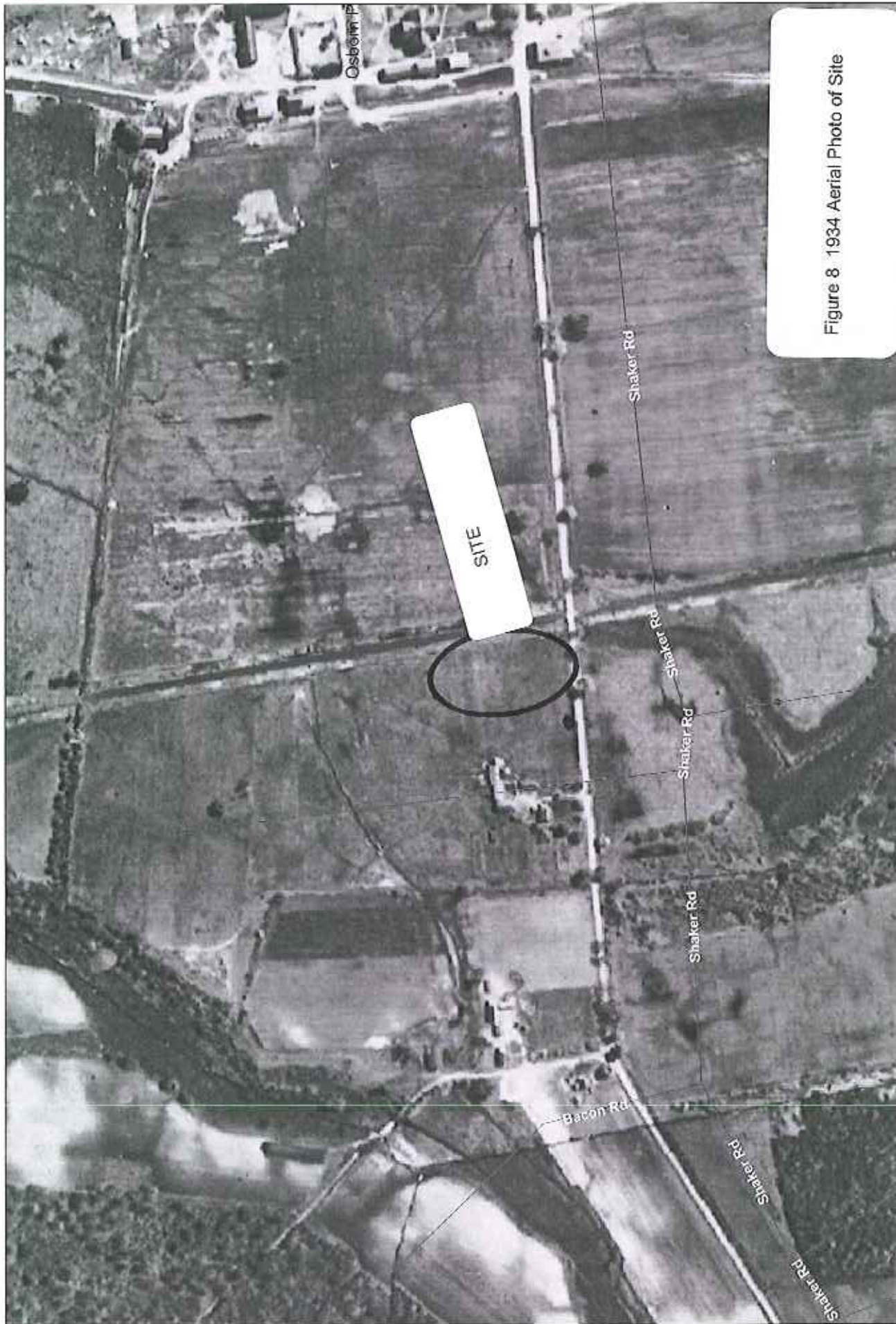


Figure 8 1934 Aerial Photo of Site

MAGIC, Homer Babbidge Library, the University of Connecticut, and associated data providers are not held responsible for the accuracy of the data and images provided. This material is for reference purposes only.



Map and Geographic Information Center
Homer Babbidge Library
University of Connecticut
magic.lib.uconn.edu

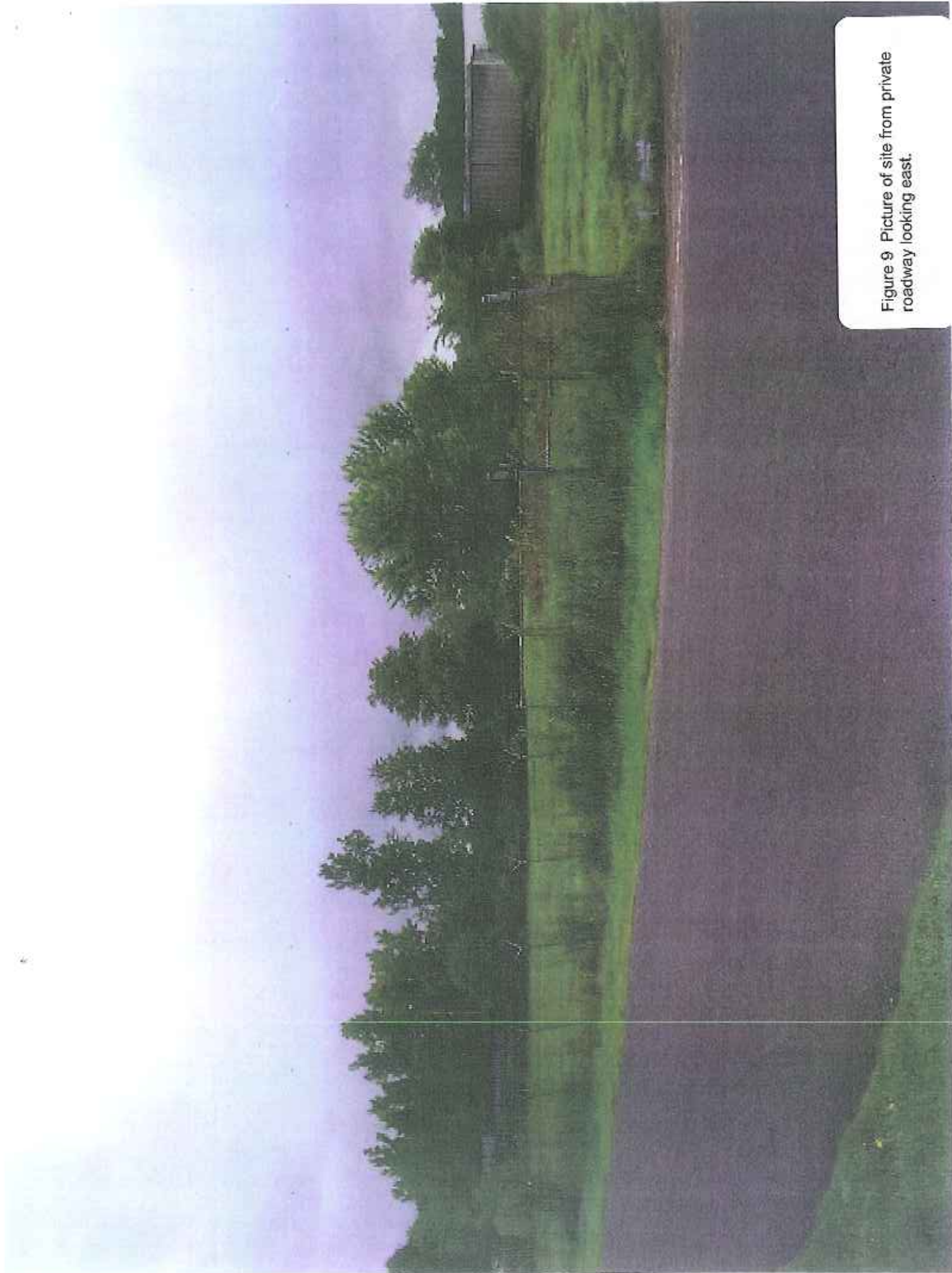


Figure 9 Picture of site from private roadway looking east.

Figure 10 Picture from middle of site
looking southward





Figure 11 Photo taken from evaporation basin looking southward across site.

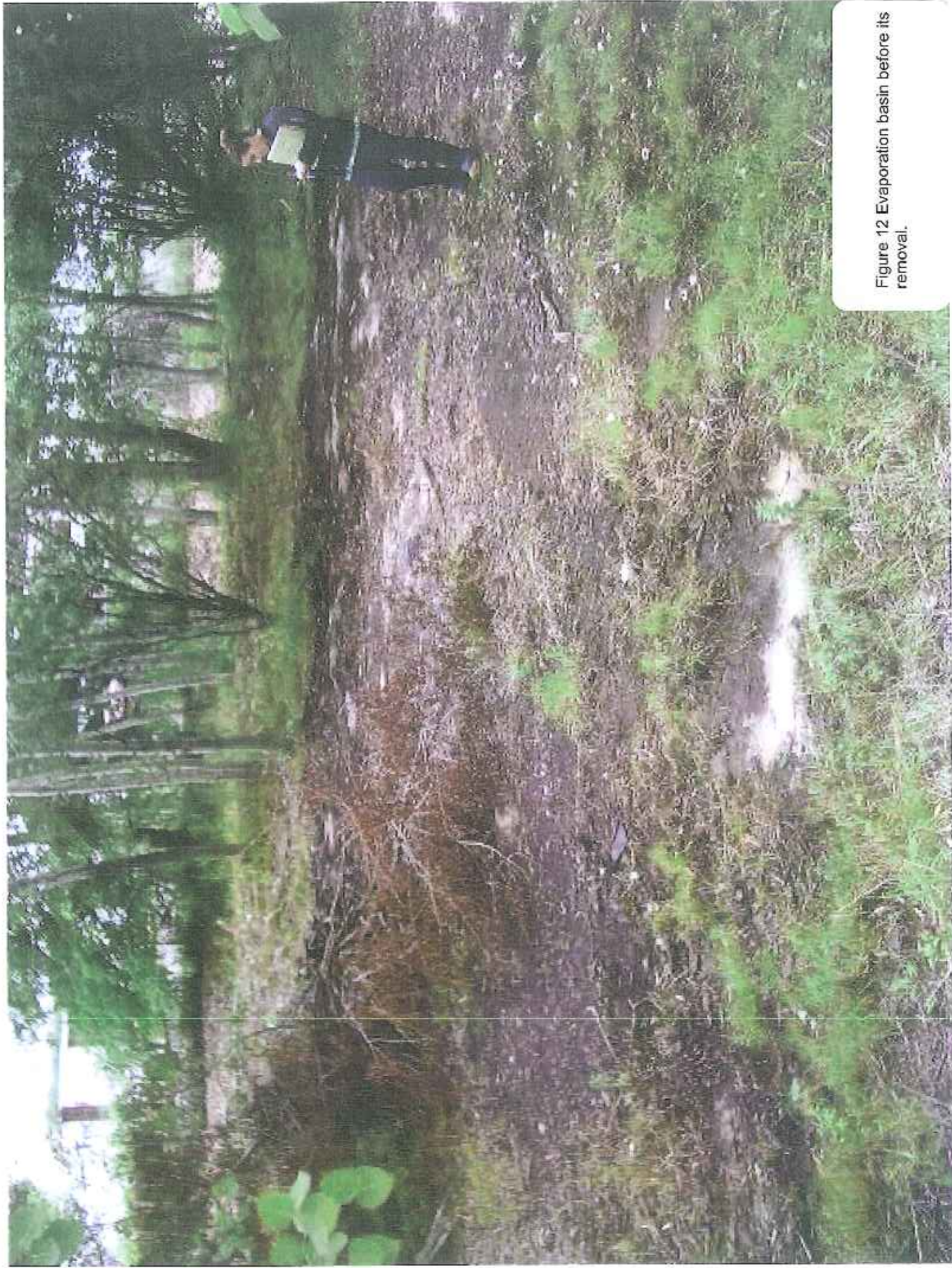


Figure 12 Evaporation basin before its removal.

MICHAEL F. GRAGNOLATI

45 North Street

P.O. Box 3127

Windsor Locks, Connecticut 06096

Tel/Fax 860 623-2588

10531

Memorandum

TO: Katie Bednaz, Asst. Town Planner
Enfield Inland Wetlands and Watercourse Agency

FROM: Michael F. Gragnolati
Registered Professional Soil Scientist, SSS of SNE

Date: November 9, 2009

RE: 249 Shaker Road
Enfield, CT

In response to your E-Mail of November 6, 2009 I have discussed the subject of the upland review area on site with my client. Since the property is within 100' of wetlands that are off property to the east and west and any work proposed on site would have to be reviewed by the Enfield Wetlands and Watercourses Agency we, at this time, are stating that the entire site located at 249 Shaker Road, CT is within the upland review area.

If you should have any questions please contact this office at your convenience

CC: Frank Camerota

DRAFT WETLANDS PERMIT #IW-531

November 18, 2009

Attn: Frank Camerota
Camerota Truck Parts
245 Shaker Road
Enfield, CT 06082

Dear Camerota Truck Parts,

At a regular meeting held November 17, 2009, the Enfield Inland Wetlands and Watercourses Agency took the following action:

IW-531- Frank Camerota of Camerota Truck Parts - is requesting an permit to conduct remediation activities at 249 Shaker Road (Map 94, Lot 11), some of which have already been conducted, within the regulated area. **Approved with conditions.**

The permit is issued subject to the following conditions of approval.

STANDARD CONDITIONS

Prior to the start of construction:

1. The Inland Wetlands and Watercourses Agency or its designated Agent must be notified in writing within two business days of the commencement of permitted activities, and upon completion of said activities; a "business day" is a day when the Town Hall is open for business.
2. If the project requires that materials be removed from the site, the Inland Wetlands and Watercourses Agency or its designated Agent must be notified in writing within two business days of the commencement of permitted activities of where the removed materials will be deposited.

General Conditions of Approval:

3. This permit shall be valid for 5 years from the date of approval unless otherwise revoked or specifically extended;
4. All work and all regulated activities conducted pursuant to this permit shall be consistent with these terms and conditions hereof. Any structures, excavation, fill, obstruction, encroachments or regulated activities not specifically identified and authorized herein shall constitute a violation of this permit and may result in its modification, suspension, or revocation. Upon initiation of the activities authorized herein, the permittee thereby accepts and agrees to comply with the terms and conditions hereof;
5. This permit is not transferable without the written consent of the Enfield Inland Wetlands and Watercourses Agency;

6. In issuing this permit, the Agency has relied on information provided by the applicant and, if such information subsequently proves to be false, deceptive, incomplete and/or inaccurate this permit shall be modified, suspended or revoked;
7. This permit shall be made a part of all construction contracts and sub-contracts pertaining to the proposed regulated activities and shall supersede all other contract requirements;
8. The permittee shall permit the Agency, its authorized representative(s) or designee(s) to make periodic inspections at any time deemed necessary in order to assure that the activity being performed under authority of this permit is in accordance with the terms and conditions prescribed herein;
9. No equipment or material including without limitation, fill, construction materials, or debris, shall be deposited, placed, or stored in any wetland or watercourse on or off site unless specifically authorized by this permit;
10. This permit is subject to and does not derogate any present or future property rights or other rights or powers of the Town of Enfield, and conveys no property rights or in real estate of material nor any exclusive privileges, and is further subject to any and all public and private rights and to any activity affected hereby;
11. Prior to the start of construction, adequate erosion and sedimentation control measures shall be implemented, and shall be maintained throughout the entire construction phase and shall meet or exceed the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control, as revised, until the site has become stabilized with permanent vegetative cover. The construction site shall be left in a stable condition at the close of each day. An adequate stockpile of erosion control materials shall be on site at all times for emergency or routine replacement and shall include materials to repair silt fences, haybales, mulch, stone-riprap filter dikes or any other devices planned for use during construction. Additional erosion/stormwater control measures are to be installed as directed by the Inland Wetland Agency, its authorized representative(s) or designee(s) if field conditions necessitate. The permittee shall immediately inform the Department of Planning and Community Development of any problems involving wetlands or watercourses which have developed in the course of, or which are caused by, the authorized work;
12. All temporary barriers, including erosion and sedimentation controls are to be removed upon completion of the project in suitable weather conditions;
13. With the exception of the addition of the items stated in these conditions, this application is approved in accordance with the Wetland Permit Application dated October 2009, prepared for Old Fox Reman, LLC and prepared by Michael F. Gragnolati. Any changes that would potentially cause greater impact to wetlands or watercourses, such as enlargement of the area of disturbance or reorientation of building footprints, from the plans shall require the permittee to come before the Enfield Inland Wetlands and Watercourses Agency for a Determination of Permit Need (Jurisdictional Ruling) or Permit Modification;

Special Conditions of Approval:

14. This permit is only for the remediation of contamination onsite to levels that are acceptable by the State of Connecticut for use as an industrial/commercial site. This consists of soil removal and stockpiling of these soils on site and their replacement with

clean fill. This permit is not for the construction or demolition of any structures on the property.

15. Upon completion of remediation activities at the site all disturbed soils will be stabilized with vegetation immediately. If topsoil has been removed where vegetation cannot be established on the existing soils, topsoil shall be applied so that vegetation is established throughout the site. Stabilized in this context is when 70% of the ground is covered by vegetation.
16. Throughout the remediation activities best management practices shall be used to control the potential for soil migration at all times.

NOTE: This permit does not relieve the applicant from his responsibility to apply for any other permits required by local, state or federal agencies.

This authorization constitutes the permit required by Section 22a-39 of the Connecticut General Statutes. The decision legal notice will be published in the Journal Inquirer on **XXXXXXXX, 2009**. Please note that the appeal period (15 days) begins as of the date of publication in accordance with Section 8-8 of the State Statutes.

Issuance of the Inland Wetlands and Watercourses permit does not abrogate the responsibility to obtain permits that may be necessary from other agencies at the local, state or federal level prior to commencing your project.

Please ensure you review the conditions of approval thoroughly and note that **a pre-construction meeting is required as per condition #3, prior to commencement of any activity on site**. If you have any questions, please feel free to contact me at 253-6358. Office hours are 9:00 AM to 5:00 PM, Monday through Friday. Voice mail is available after business hours.

Sincerely,

Katie A. Bednaz
Assistant Town Planner/Wetlands Agent

cc: File IW#531 & Jose Giner, Town Planner

Bednaz, Katie

IW-#53)

From: Cabibbo, John
Sent: Tuesday, November 10, 2009 9:23 AM
To: Bednaz, Katie
Cc: Bord, Jeffrey; 'mgragnolat@yahoo.com'
Subject: RE: 249 Shaker Road - site remediation - IW 531

Engineering Division has reviewed the letter dated October 29, 2009, regarding the subject site. The letter gives a better understanding of the proposed site work. The construction entrance is still recommended but if there is any soil tracked into the roads during the proposed site work the soil will be on the private road and/or State Route 220.

From: Cabibbo, John
Sent: Tuesday, October 27, 2009 11:23 AM
To: Bednaz, Katie
Cc: Bord, Jeffrey
Subject: 249 Shaker Road - site remediation - IW 531

Engineering has reviewed the site remediation plan submitted which is simply stated "The remediation consists of removal and stockpiling of these soils on site and their replacement with clean fill." Will the stockpiled soils be removed from the site and if so when and where will these be deposited? Specifically where will these soils be stockpiled on site? Is this remediation already part of an existing permit with the State? A construction entrance is recommended for the removal of the contaminated soil and the unloading of the clean fill.

John Cabibbo, P.E.
Town of Enfield
Engineering Division
Assistant Town Engineer
(860) 253-6366

***** NEW APPLICATIONS TO BE RECEIVED*****

IW #441.02

IW #532

*****IW #441.02*****

IW441.02

INLAND WETLANDS AND WATERCOURSES AGENCY

Certified Mail: 7000 1530 0005 3598 0923

WETLANDS PERMIT

July 20, 2005

Washington Associates of Enfield, LLC
P.O. Box 1201
Enfield, CT 06083

Dear Sir or Madam,

At its July 19, 2005 regular meeting, the Enfield Inland Wetlands and Watercourses Agency took the following action:

IW#441 - Washington Associates of Enfield, LLC - Proposed 42-Unit Senior Residential Development (Brainard Gardens) within 100 feet of wetlands. Properties located at 266, 274 and 284 Brainard Road (Map 62 Lot 319 and Map 77 Lots 67 and 68) - Approved with conditions.

The permit is issued subject to the following conditions and/or modifications:

1. The permittee shall notify the Planning Department at 253-6358 immediately upon the commencement of work and upon its completion;
2. This permit shall be valid for 5 years from the date of approval unless otherwise revoked or specifically extended;
3. All work and all regulated activities conducted pursuant to this authorization shall be consistent with these terms and conditions of this permit. Any structures, excavation, fill, obstruction, encroachments or regulated activities not specifically identified and authorized herein shall constitute a violation of this permit and may result in its modification, suspension, or revocation. Upon initiation of the activities authorized herein, the permittee thereby accepts and agrees to comply with the terms and conditions of this permit;
4. The authorization is not transferable without the written consent of the Enfield Inland Wetlands and Watercourses Agency;
5. In evaluating this application, the Agency has relied on information provided by the applicant and, if such information subsequently proves to be false, deceptive, incomplete and/or inaccurate this permit shall be modified, suspended or revoked;
6. This permittee shall employ best management practices, consistent with the terms and conditions of the permit, to control stormwater discharges and to prevent erosion and sedimentation and to otherwise prevent pollution of wetlands or watercourses. For information and technical assistance, contact the Wetlands Agcnt. The permittee shall immediately inform the Department of Planning and Community Development of any problems involving wetlands or watercourses which have developed in the course of, or which are caused by, the authorized work;
7. No equipment or material including without limitation, fill, construction materials, or debris, shall be deposited, placed, or stored in any wetland or watercourse on or off site unless specifically authorized by this permit;

8. This permit is subject to and does not derogate any present or future property rights or other rights or powers of the Town of Enfield, and conveys no property rights or in real estate of material nor any exclusive privileges, and is further subject to any and all public and private rights and to any activity affected hereby;
9. Timely implementation and maintenance of sediment and erosion control measures are a condition of this permit. (All sediment and erosion control measures must be maintained until all disturbed areas are stabilized.);
10. A pre-construction meeting shall be held prior to the commencement of any construction activities on the site with the applicant, contractor, and Town staff;
11. All erosion and sediment controls must be installed prior to the Wetlands Agent signing off on the building permit.
12. The 50 foot no disturbance buffer area depicted on sheet 8 of 20 of the plans, shall be maintained by the entity that shall assume ownership of the common properties. It shall prohibit encroachment of unit owners' activities into this area. It shall be included in the management plan and documents transferred from the developers to the entity that shall assume ownership of the common properties. A copy of the final plans must be provided to the Enfield Planning Department before the Agent may sign off on the first building permit. In order to maintain compliance with this permit these documents must be filed with the deeds in the Enfield Town Clerk's Office. Signs, to be provided by the developer, shall be placed along the 50 foot non-disturbance boundary surrounding the wetland. They shall read: "Environmentally Sensitive Area - No Dumping or Vegetation Removal". They shall be located one (1) every 50 feet along the non-disturbance area;
13. The developer shall employ slow release fertilizers and minimal applications of pesticides and herbicides, as prescribe by the integrated pest management plan (IPM). The management plan prepared for this development shall indicate that slow release fertilizers and minimal applications of pesticides and herbicides, as prescribed by the IPM shall be employed in the maintenance of the property. It shall be included in the documents transferred from the developer to the entity that shall assume ownership of the common properties. A copy must be provided to the Enfield Planning Department before the Agent may sign off on the first building permit. In order to maintain compliance with this permit these documents must be filed with the deeds in the Enfield Town Clerk's Office.
14. The document specifying the responsibilities of the entity assuming ownership of the common property shall include a yearly maintenance schedule for cleaning of catch basins, hoods, dry wells, stormwater quality units, road maintenance and removal of winter sands (no salt allowed) from the roads. This must be submitted to the Agent for the IWWA before signing off on any building permits.
15. Snow in excess of that which can be stored on the snow shelf along the edge of the roads shall be removed from the property. The management plan prepared for this development shall expressly prohibit the stockpiling of snow and lawn and yard refuse in the vicinity of units 16 through 24. It shall provide for alternatives such as contracting for removal by truck if need be;
16. No disturbance is permitted as part of this permit within 50 feet of wetlands and watercourse. Construction fencing must be installed along the 50' wetland buffer are to protect this area from any construction activity;
17. The Wetlands Agent will not sign off on the certificate of occupancy for any unit until all associated disturbed areas are temporarily and/or permanently stabilized;

18. All Engineering comments and concerns must be addressed prior the Wetlands Agent signing off on the building permit. If revisions to the plans are required as a result of engineering concerns, the applicant must apply for a plan modification to the Agency;
19. With the exception of the additional items stated in these conditions, this application is approved in accordance with the site plans entitled "Brainard Gardens Senior Residential Development, Brainard & George Washington Road, Enfield, CT" Sheets 1 through 20, dated 6/15/05 and 6/28/05, revised through 7/14/05; Prepared for Washington Associates, LLC by J.R. Russo & Associates, 1 Shoham Road, East Windsor, CT 06088. Any changes that would potentially cause greater impact to wetlands or watercourses, such as enlargement or reorientation of structure footprints, from the plans and any denial or changes made by any other regulatory agency or commission shall require the permittee to come before the Enfield Inland Wetlands and Watercourses Agency for a Determination of Permit Need (Jurisdictional Ruling) or request for modification.

This authorization constitutes the permit required by Section 22a-39 of the Connecticut General Statutes. The decision legal notice will be published in the Journal Inquirer on Thursday, July 21, 2005. Please note that the appeal period (15 days) begins as of the date of publication in accordance with Sec. 22a-43 of the State Statutes.

Issuance of the Inland Wetlands and Watercourses Agency permit does not abrogate the responsibility to obtain permits that may be necessary from other agencies at the local, state or federal level prior to commencing your project.

Should you have any questions regarding the contents of this letter, please feel free to contact me at 253-6358.

Sincerely,

Neil J. Angus, AICP, MCIP
Assistant Town Planner/Wetlands Agent

cc. Dana Steele, JR Russo and Associates, 1 Shoham Road, East Windsor, CT 06088
José Giner, Director of Planning and Community Development
Planning and Zoning Commission
John Cabibbo, Assistant Town Engineer
IW#441 File

Sec# 00032400
MAP 62
LOT 319
APPENDIX 4



TOWN OF ENFIELD
INLAND WETLANDS & WATERCOURSES AGENCY
PERMIT APPLICATION & CHECKLIST

INSTRUCTIONS:

1. The Agency and the applicant may hold a pre-application meeting to examine the scope of a proposed regulated activity or to determine if the proposed application involves a significant activity.
2. Any person intending to undertake a regulated activity shall apply for a permit by completing the applicable parts of this nine-page application form (consisting of parts A, B, C & D).
3. For the purpose of this application:
 - a. "applicant or person" means any person, persons, firm, partnership, association, corporation, company, organization or legal entity of any kind, including municipal corporation, governmental agency or subdivision thereof; and
 - b. refer to the Town's Inland Wetlands and Watercourses Regulations for further clarification and guidance with respect to the standards and criteria used for application evaluation.
- N/A 4. Nine (9) copies of all applicable completed application materials shall be submitted unless otherwise directed in writing by the Agency or its designated agent.
- X 5. Indicate which of the following circumstances fit this application and comply with the following referenced application requirements.

<u>Circumstances</u>	<u>Check</u>	<u>Requirements</u>
<u>Application for Regulated Activity</u>	<u> </u>	<u>Complete Part A only</u>
<u>Application also involves Site Plan, Subdivision, or Special Permit</u>	<u> </u>	<u>Complete Parts A and B</u>
<u>Application involves a Significant Activity</u>	<u> </u>	<u>Complete Parts A, B and C</u>
<u>Renewal or Extension for, or Amendment to an Issued Permit</u>	<u>X</u>	<u>Complete Part D only</u>
<u>Wetland Map Amendment</u>	<u> </u>	<u>Complete Part E only</u>

- X 6. Applicant's Name: Washington Associates of Enfield, LLC
7. Address or descriptive location (e.g. north side of Hazard Ave. - 1,000 feet easterly of intersection with Palomba Dr.) of proposed regulated activity:
Southeast corner of Brainard Road and
George Washington Road
- X 8. Title of Project: Brainard Gardens

Request for permit expiration extension

Part 1

Page 3 of 4

X Certification by Applicant

By my (our) signature(s), I (we) hereby certify that:

- i. the applicant(s) is (are) familiar with all of the information provided in the application and is (are) aware of the penalties for obtaining a permit by deception or by inaccurate or misleading information; and
- ii. the agency members and their designated agents are authorized to inspect the property, at reasonable times, both before and after a final decision has been issued, and after completion of the project.

SIGNATURE(S) OF APPLICANT(S):

DATE

6-15-05

10/13/09

TOWN OF ENFIELD
INLAND WETLANDS & WATERCOURSES AGENCY
PERMIT APPLICATION &
CHECKLIST

PART D

Any application to renew or extend the expiration date of a previously issued permit or amend an existing permit shall be filed with the Agency at least sixty-five (65) days prior to the expiration date for the permit in accordance with Section 8 of the regulations. Such application for renewal, extension or amendment shall include the submission of the appropriate application fee and set forth the following information.

- X A. The application shall state the name, address and telephone number of the permit holder, the address or locational description of the property involved, and the dates of issuance and expiration of the permit.
- X B. The application shall state the reason why the authorized activities were not initiated or completed within the time specified in the permit.
- X C. The application shall describe any changes in facts or circumstances affecting the regulated areas or the property for which the permit was issued.
- X D. The application shall describe the extent of work completed for the activities authorized in the permit.
- X E. The application shall incorporate by reference the documentation and record of the original application.

Attachment to Wetland Application for Extension of Permit Expiration Date for:

Brainard Gardens, 42-Unit Senior Residential Development
Washington Associates of Enfield, LLC
Corner of Brainard Road and George Washington Road

PART D

- A. Applicant/Permit Holder:
Washington Associates of Enfield, LLC
c/o John Petronella, Enfield Builders
1654 King Street, Enfield, CT 06082
(860) 627-6870
- B. Work has not initiated due to economic and other conditions beyond the applicant's control. These include death of one of the owners and failure of potential buyers to obtain financing.
- C. The applicant is not aware of any changes in facts or circumstances affecting the regulated areas or the property for which the permit was issued.
- D. No work associated with regulated activities has commenced due to reasons described in B above.
- E. The documentation and record of the original application shall be incorporated by reference to this application for extension of permit expiration.





CONNECTICUT DEPARTMENT OF
ENVIRONMENTAL PROTECTION
79 Elm Street
Hartford, CT 06106-5127

GIS CODE #: _____
For DEP Use Only

Arthur J. Rocque, Jr., Commissioner

Statewide Inland Wetlands & Watercourses Activity Reporting Form

Please complete this form in accordance with the instructions. Please print or type.

PART I: To Be Completed By The Inland Wetlands Agency Only

1. DATE ACTION WAS TAKEN: Year _____ Month _____
2. ACTION TAKEN: _____
3. WAS A PUBLIC HEARING HELD? Yes _____ No _____
4. NAME OF AGENCY OFFICIAL VERIFYING AND COMPLETING THIS FORM:
(print) _____ (signature) _____

PART II: To Be Completed By The Inland Wetlands Agency Or The Applicant

5. TOWN IN WHICH THE ACTION IS OCCURRING: Enfield
Does this project cross municipal boundaries? Yes _____ No X
If Yes, list the other town(s) in which the action is occurring: _____
6. LOCATION: USGS Quad Map Name: Springfield South AND Quad Number: 8
Subregional Drainage Basin Number: 4000
7. NAME OF APPLICANT, VIOLATOR OR PETITIONER: Washington Associates of Enfield, LLC
8. NAME & ADDRESS/LOCATION OF PROJECT SITE: Brainard Gardens, Brainard Road
Briefly describe the action/project/activity: Permit expiration extension
Construction of a 42 unit senior residential development
9. ACTIVITY PURPOSE CODE: B
10. ACTIVITY TYPE CODE(S): 2 9 12 14
11. WETLAND / WATERCOURSE AREA ALTERED [must be provided in acres or linear feet as indicated]:
Wetlands: 0 acres Open Water Body: 0 acres Stream: 0 linear feet
12. UPLAND AREA ALTERED [must be provided in acres as indicated]: 0.6± acres
13. AREA OF WETLANDS AND / OR WATERCOURSES RESTORED, ENHANCED OR CREATED: 0 acres
[must be provided in acres as indicated]

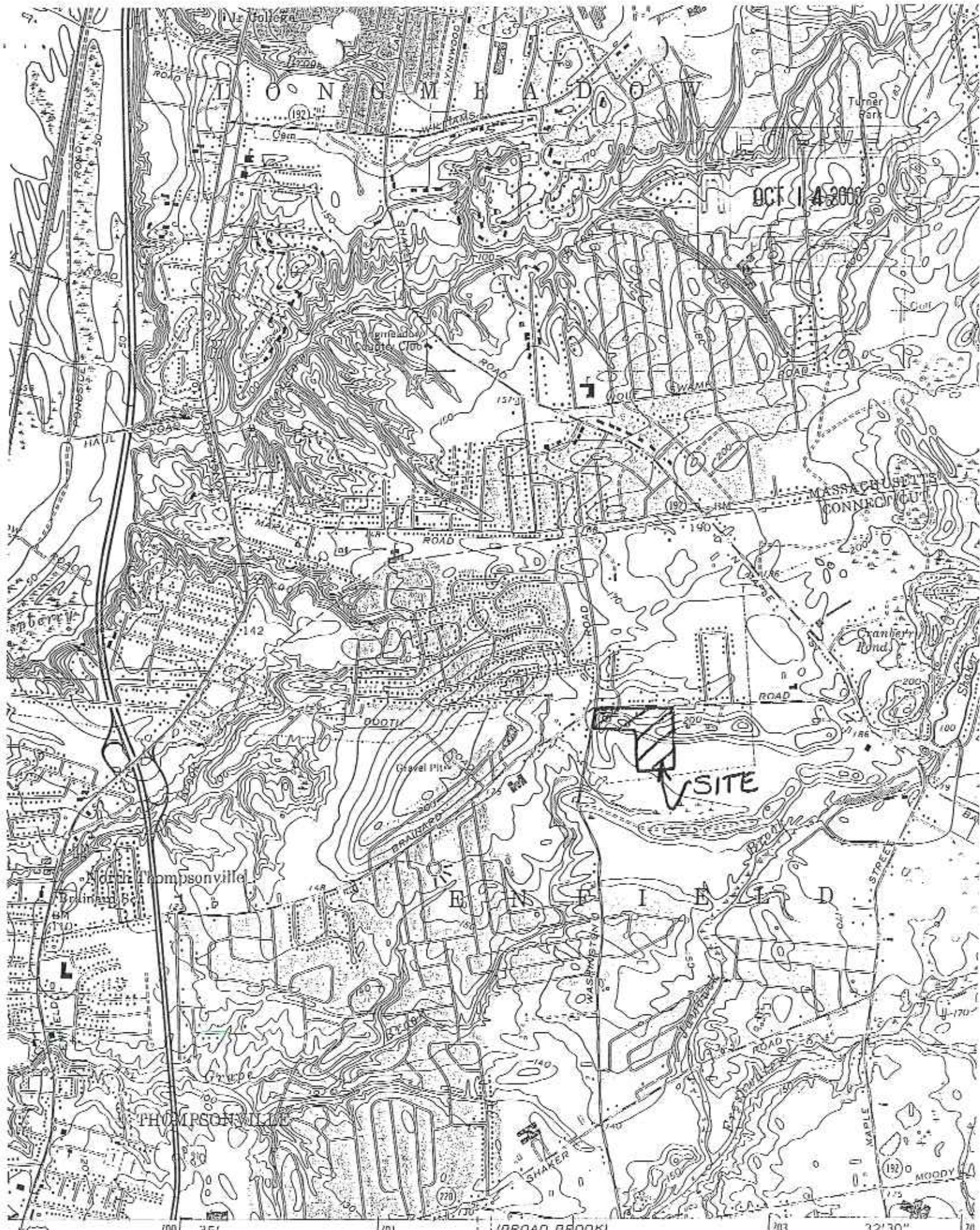
DATE RECEIVED: _____

PART III: To Be Completed By The DEP

DATE RETURNED TO DEP: _____

FORM COMPLETED: YES NO

FORM CORRECTED / COMPLETED: YES NO



OCT 14 2003

✓ SITE

T O N G M E A D O W

E L M F I E L D

THOMPSONVILLE

EAST HARTFORD (JUNC. U.S. 44) 17 MI.

SCALE 1:24 000



J.R. RUSSO & ASSOCIATES, LLC

Land Surveyors & Professional Engineers
Licensed in CT & MA

September 23, 2009

Katie Bednaz
Assistant Planner/Inland Wetlands Agent
Enfield Inland Wetlands and Watercourses Agency
820 Enfield Street
Enfield, Connecticut 06082

Re: IW#441 – Washington Associates of Enfield, LLC
Brainard Gardens, 42-Unit Single Family Detached Senior Residential Development
Brainard Road & George Washington Road

Dear Ms. Bednaz:

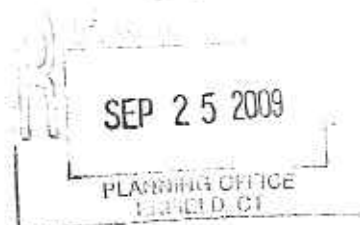
On July 19, 2005 the Enfield Inland Wetlands and Watercourses Agency approved the above referenced project. The approval is valid for 5 years from the date of approval unless specifically extended. The permit is scheduled to expire less than a year from now on July 20, 2010. The project has not yet proceeded to construction due to economic conditions beyond the control of the applicant. Even if the construction were to begin today, it is unlikely the regulated activities could be completed within the existing time constraints.

On behalf of our client, Washington Associates of Enfield, LLC, we hereby request that the Agency extend this permit for an additional 5 years until July 19, 2015. We are available to meet with you or appear before the Agency should you desire. If you have any questions, please contact me at 623-0569.

Sincerely,

Dana Steele, P.E.
J.R. Russo & Associates, LLC

cc: Washington Associates of Enfield, LLC
Atty. Nicholas J. Harding
File #2003-045



Bednaz, Katie

From: Cabibbo, John
Sent: Monday, October 19, 2009 3:57 PM
To: Giner, Jose; Bednaz, Katie
Cc: Bord, Jeffrey; Higley, Virginia
Subject: RE: PH 2517, IW 441.02 - Brainard Gardens

Engineering is not aware of any changes to the existing site which would necessitate further review of the previously approved plans, as they pertain to the requested approval time extension.

From: Cabibbo, John
Sent: Monday, January 23, 2006 10:36 AM
To: Giner, Jose
Cc: Bord, Jeffrey; Higley, Virginia
Subject: RE: PH 2517 - Brainard Gardens

Engineering has reviewed the subject site plans, latest revision dated November 16, 2005. There are no engineering concerns with the noted plan revisions.

-----Original Message-----

From: Giner, Jose
Sent: Tuesday, January 10, 2006 11:07 AM
To: Cabibbo, John
Subject: RE: PH 2517 - Brainard Gardens

John, it was the November 16 Plans that were submitted for review prior to doing the mylars.

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From: Cabibbo, John
Sent: Tuesday, January 10, 2006 10:35 AM
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John:

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Our records indicate that you should have a copy. Please let me know if you need any thing from us.

Thanks,

Jose

José Giner, AICP

Director of Planning
Town of Enfield
820 Enfield Street
Enfield, CT 06082
860-253-6356 (phone)
860-253-6310 (fax)
jginer@enfield.org (email)



J.R. RUSSO & ASSOCIATES, LLC

Land Surveyors & Professional Engineers
Licensed in CT & MA

September 23, 2009

Katie Bednaz
Assistant Planner/Inland Wetlands Agent
Enfield Inland Wetlands and Watercourses Agency
820 Enfield Street
Enfield, Connecticut 06082

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Brainard Road & George Washington Road

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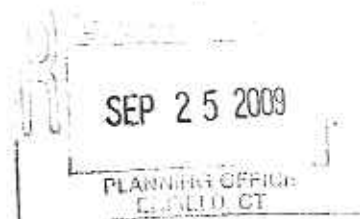
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Jose

José Giner, AICP

Director of Planning
Town of Enfield
820 Enfield Street
Enfield, CT 06082
860-253-6356 (phone)
860-253-6310 (fax)
jginor@enfield.org (email)

*****IW #532*****

LETTER OF TRANSMITTAL

To: Town of Enfield
Inland Wetlands Watercourse
Agency
820 Enfield Street
Enfield, CT

Date: 10/30/2009
Re: Inland Wetland Watercourse Agency Application
Aldi Food Store
25 Hazard Avenue
Enfield, CT

DPI Project No. 2698

WE ARE SENDING YOU: ☒ Attached ☐ Under separate cover via _____ the following items:
☐ Shop Drawings ☐ Prints ☐ Renderings ☐ Specifications
☐ Copy of Letter ☐ Change Order ☐ _____

COPIES	DATE	NO.	DESCRIPTION
11			sets of site plans
11			authorization for application by property owner
11			Enfield IWWA application
11			abutters list
11			DEP reporting form
1	10/30/09	8489	DPI check for application fee \$210.00

These are transmitted as checked below:

- | | | |
|--|--|---|
| <input checked="" type="checkbox"/> For Approval | <input type="checkbox"/> No exceptions taken | <input type="checkbox"/> Resubmit _____ copies for approval |
| <input type="checkbox"/> For your use | <input type="checkbox"/> Make corrections | <input type="checkbox"/> Submit _____ copies for distribution |
| <input type="checkbox"/> As requested | <input type="checkbox"/> Revise and Submit | <input type="checkbox"/> Return _____ corrected prints |
| <input type="checkbox"/> For review and comment | <input type="checkbox"/> For bids due | <input type="checkbox"/> Prints returned after loan to us |

REMARKS:



SIGNED:

Benjamin P. Wheeler
Benjamin P. Wheeler, RLA, Director of Operations

CC: client; file

APPENDIX A

TOWN OF ENFIELD INLAND WETLANDS & WATERCOURSES AGENCY PERMIT APPLICATION & CHECKLIST

INSTRUCTIONS:

1. The Agency and the applicant may hold a pre-application meeting to examine the scope of a proposed regulated activity or to determine if the proposed application involves a significant activity.
2. Any person intending to undertake a regulated activity shall apply for a permit by completing the applicable parts of this nine-page application form (consisting of parts A, B, C & D).
3. For the purpose of this application:
 - a. "applicant or person" means any person, persons, firm, partnership, association, corporation, company, organization or legal entity of any kind, including municipal corporation, governmental agency or subdivision thereof; and
 - b. refer to the Town's Inland Wetlands and Watercourses Regulations for further clarification and guidance with respect to the standards and criteria used for application evaluation.
- ☒ 4. Eleven (11) copies of all applicable completed application materials shall be submitted unless otherwise directed in writing by the Agency or its designated agent.
- ☒ 5. Indicate which of the following circumstances fit this application and comply with the following referenced application requirements.

CIRCUMSTANCES	CHECK	REQUIREMENTS
Application for regulated activity		Complete Part A only
Application also involves Site Plan, Subdivision, or Special Permit	✓	Complete Parts A & B
Application involves a Significant Activity		Complete Parts A, B & C
Renewal or Extension for, or Amendment to an Issued Permit		Complete Part D only
Wetland Map Amendment		Complete Part E only

- ☒ 6. Applicant's Name: Aldi, Inc.
- ☒ 7. Address or descriptive location (e.g. north side of Hazard Ave. – 1,000 feet easterly of intersection with Palomba Dr.) of proposed regulated activity:
25 Hazard Avenue
- ☒ 8. Title of Project: Aldi Food Store

Map 45 lot 8

TOWN OF ENFIELD
INLAND WETLANDS & WATERCOURSES AGENCY
PERMIT APPLICATION & CHECKLIST

PART A

All applications for regulated activities shall include the following information:

- ☒ A. Applicant's name: Aldi, Inc.
- ☒ B. Applicant's address: 295 Rye Street
South Windsor, CT 06074
- ☒ C. Applicant's phone number: 860-290-2900 x123
- ☒ D. Applicant's interest in the property:
To lease space in an existing shopping center for a grocery store.
- ☒ E. Landowner's name: Paramount Commons at Enfield, LLC
- ☒ F. Landowner's address: 1195 Route 70, Suite 2000
Lakewood, NJ 08701
- ☒ G. Landowner's telephone number: 732-961-8112
- ☒ H. Written consent (dated and signed) from the landowner that expresses his knowledge of and consent to the application if the landowner is not the applicant.
- ☒ I. The total calculated area (in square feet) of wetlands and watercourses on the subject property: 34,820 ± square feet.
- ☒ J. The total calculated area (in square feet) of regulated area that would be disturbed by the proposed regulated activities (include regulated areas that provide access to and ample space to work around the regulated activities): 160 ± square feet.
- ☒ K. Submission of the appropriate application fee based on the fee schedule established in Section 19 of the regulations.
- ☒ L. Written narrative of sufficient detail that sets forth the purpose and a description of the proposed activity and alternatives considered by the applicant and why the application's proposal to alter the wetlands or watercourse was chosen.

- ☒ M. A location map at a scale of 1 inch = 2,000 feet identifying the geographical location of the property involved.
- ☒ N. A map at a scale of 1 inch = 100 feet identifying the geographical location of the property to be affected by the proposed activity, adjacent lands, adjacent regulated areas, such upstream and downstream areas as may be identified by the Agency or its designated agent, and other pertinent features including, but not limited to, existing and proposed property lines, roads and drives, existing buildings and their utilities, topography, soil types from the published soil survey, the limits of inland wetlands, watercourses and conservation buffer areas, existing and proposed lands protected as open space or by private conservation easements, and types of vegetative cover.
- ☒ O. A site plan at 40' scale that provides sufficient detail showing existing and proposed conditions, including maximum building areas, in relation to regulated areas and measures proposed to mitigate the potential environmental impacts.
- ☒ P. A title block and legend of symbols used for each plan or map indicated the name of the project, landowner and applicant, name and signature of the person preparing the plan or map, date prepared and subsequent revision dates and scale.
- Q. Certification as to each of the following:
- ____ (1) Is any portion of the wetland or watercourse (on which the regulated activity is proposed) located within 500 feet of the boundary of an adjoining municipality?
____ Yes No ☒
Name of Town(s): _____
- ____ (2) Will traffic (attributable to either construction activities or to the completed project on the site) use streets within the adjoining municipality to enter or exit the site?
____ Yes No ____
Name of Town(s): _____
- ____ (3) Will sewer or water drainage from the project site flow through and affect the sewage or drainage system within the adjoining municipality? ____ Yes No ____
Name of Town(s): _____
- ____ (4) Will water runoff from the improved site affect streets or other municipal or private property within the adjoining municipality? ____ Yes No ____
Name of Town(s): _____
- ____ R. If yes to the aforementioned question Q.(1), then provide documentation (copy of return receipts) that the applicable adjacent municipal wetland agencies were duly notified pursuant to the regulations.
- ☒ S. Copy of the STATEWIDE INLAND WETLAND ACTIVITY REPORTING FORM (attached) with all applicable sections completed by the applicant.

☒ T. Names and addresses of abutting property owners as shown in the records of the tax assessor of the municipality as of a date no earlier than thirty (30) days before the date the application is submitted.

☐ U. Any other information the Agency or its designated agent deems necessary for the review and evaluation of the application.

☒ V. Does this application include any regulated activity in a Floodplain?

- ☒ Yes – Please fill out Development Permit for Flood Hazard Areas
☐ No – Proceed to next question.

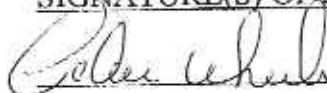
☒ Certification By Applicant

By my (our) signatures, I (we) hereby certify that:

- i. the applicant(s) is (are) familiar with all of the information provided in the application and is (are) aware of the penalties for obtaining a permit by deception or by inaccurate or misleading information; and
- ii. the Agency members and their designated agents are authorized to inspect the property, at reasonable times, both before and after a final decision has been issued, and after completion of the project.

SIGNATURE(S) OF APPLICANT(S):

DATE:

_____

10-29-09_____

TOWN OF ENFIELD
INLAND WETLANDS & WATERCOURSES AGENCY
PERMIT APPLICATION & CHECKLIST

PART B

All applications for a regulated activity that involve a land use proposal which is also subject to site plan review, subdivision, or special permit application, may be required to contain the following additional information (as determined by the Agency or its designated agent):

- ☒ A. All wetland boundaries on the property shall be identified by a soil scientist and located by a licensed land surveyor. All wetland soil types shall be classified by the soil scientist.
- ☒ B. The soil scientist shall consecutively number the survey tapes that mark boundary lines of wetlands that will be or may be affected by the proposed activity. The survey tapes shall be located by a licensed land surveyor and each tape location and number shall be plotted onto the site plan.
- ☒ C. The soil scientist shall prepare a report that includes the name of the applicant and project, the location of and limits of the property investigated, the dates of the soil investigations, a brief soil description for each soil mapping unit investigated, the set of the consecutive numbers used on survey tapes to identify the wetland boundaries, and a certified statement that the wetland boundaries appearing on the site plan are to the best of his knowledge true and accurate.
- ☒ D. All watercourses identified on the property shall be located and identified on the site plan to the satisfaction of the Agency or its designated agent.
- ☒ E. A site plan shall be submitted at a scale of 1 inch = 40 feet, or a scale that exhibits greater detail, indicating the following: location and limits of all regulated areas; existing and proposed conditions in relation to regulated areas; location of prominent features within regulated areas such as bedrock outcrops, stone walls, trees deemed by the Agency or its agents to be of critical value and existing buildings and drives; names of abutting property owners; soil erosion and sediment control measures; any measures to detain or retain stormwater runoff or recharge groundwater; any plantings or habitat improvement; and any other measures proposed to mitigate the potential environmental impacts.
- ☒ F. A map of sufficient scale shall be submitted indicating each surficial drainage area influencing each distinct wetland area or watercourse on the property.
- ☒ G. A general written description of the physical and vegetative characteristics shall be submitted for each distinct wetland area.
- ☒ H. Any other specific information reasonably requested by the Agency or its designated agent.

I am an authorized representative of the property owner at 25 Hazard Avenue in Enfield, Connecticut (Paramount Commons at Enfield, LLC). I hereby authorize LeAnne Wheeler, Director of Real Estate for Aldi, Inc., to sign and submit any land use applications required for and relating to the proposed Aldi Food Store to be located in the center.



Paramount Commons at Enfield, LLC
1195 Route 70; Suite 2000
Lakewood, NJ 08701
732-961-8112

ABUTTERS LIST
Application of Aldi, Inc.
25 Hazard Avenue – Enfield, CT
DPI Project No.: 2698

Map	Lot	Owner	Property Address	Mailing Address
45	1	*Centro Enfield LLC Deloitte Tax LLP	9 Hazard Avenue	2235 Faraday Ave #O Carlsbad, CA 92008
45	2	*Enfield Hospitality LLC	11 Hazard Avenue	11 Hazard Avenue Enfield, CT 06082
45	76	*RR Realty of Enfield LLC	15 Hazard Avenue	622 Asylum Ave Hartford, CT 06105
56	2	*LEO BIW LTD LLC Udolf Properties	39 Hazard Avenue	2475 Albany Ave. Ste. 205 West Hartford, CT 06117
56	1	*GMRI Inc	41 Hazard Avenue	PO Box 593330 Orlando, FL 32859
56	3	*Monro Muffler Brake Inc	60 Freshwater Blvd	200 Hollender Pky Rochester, NY 14615
57	323	*Centro Enfield LLC	Elm Street	2235 Faraday Ave #O Carlsbad, CA 92008
57	325	*Centro Enfield LLC	Elm Street	2235 Faraday Ave #O Carlsbad, CA 92008
45	75	*Centro Enfield LLC	94 Elm Street	2235 Faraday Ave #O Carlsbad, CA 92008
45	6	*Centro Enfield LLC	Hazard Avenue	2235 Faraday Ave #O Carlsbad, CA 92008
56	30	Mercury Realty Co LLC	83 Freshwater Blvd	PO Box 945 Farmington, CT 06034
56	4	Freshwater Boulevard Realty	95 Freshwater Blvd	95 Freshwater Blvd Enfield, CT 06082
56	22	Equity One (Brookside) LLC	10 Hazard Ave	1275 Power Ferry Marietta, GA 30067

*=direct abutter

As of October 28, 2009



CONNECTICUT DEPARTMENT OF
ENVIRONMENTAL PROTECTION
79 Elm Street
Hartford, CT 06106-5127

Arthur J. Rocque, Jr., Commissioner

GIS CODE # _____
For DEP Use Only

Statewide Inland Wetlands & Watercourses Activity Reporting Form

Please complete this form in accordance with the instructions. Please print or type.

PART I: To Be Completed By The Inland Wetlands Agency Only

1. DATE ACTION WAS TAKEN: Year _____ Month _____

2. ACTION TAKEN: _____

3. WAS A PUBLIC HEARING HELD? Yes _____ No _____

4. NAME OF AGENCY OFFICIAL VERIFYING AND COMPLETING THIS FORM:

(print) _____ (signature) _____

PART II: To Be Completed By The Inland Wetlands Agency Or The Applicant

5. TOWN IN WHICH THE ACTION IS OCCURRING: ENFIELD

Does this project cross municipal boundaries? Yes _____ No ☒

If Yes, list the other town(s) in which the action is occurring: _____

6. LOCATION: USGS Quad Map Name: BROAD BROOK AND Quad Number: 41072-45-1F-034

Subregional Drainage Basin Number: 4003

7. NAME OF APPLICANT, VIOLATOR OR PETITIONER: ADDI, INC.

8. NAME & ADDRESS/LOCATION OF PROJECT SITE: 25 HAZARD AVE, ENFIELD, CT

Briefly describe the action/project/activity: INSTALLATION OF NEW STORM PIPE

9. ACTIVITY PURPOSE CODE: D

10. ACTIVITY TYPE CODE(S): 10 12 _____

11. WETLAND / WATERCOURSE AREA ALTERED [must be provided in acres or linear feet as indicated]:

Wetlands: 0 acres Open Water Body: 0 acres Stream: 0 linear feet

12. UPLAND AREA ALTERED [must be provided in acres as indicated]: 0.004 acres

13. AREA OF WETLANDS AND / OR WATERCOURSES RESTORED, ENHANCED OR CREATED: 0 acres
[must be provided in acres as indicated]

DATE RECEIVED

PART III: To Be Completed By The DEP

DATE RETURNED TO DEP

FORM COMPLETED: YES NO

FORM CORRECTED/COMPLETED: YES NO

Wetlands Narrative
Aldi, Inc.
25 Hazard Avenue
Enfield, Connecticut

Aldi, Inc. is proposing to occupy a portion of the existing retail plaza at 25 Hazard Avenue. As part of the re-utilization of a portion of the existing building, certain improvements are required. A truck dock is proposed in the rear (north side) of the existing building to accommodate deliveries. All proposed work will occur within the limits of the existing pavement. The truck dock will require removal of pavement, excavation to the proper depth, alteration of the existing building footings, installation of storm drainage and alteration of other utilities as required to insure adequate cover. The proposed storm drainage from the truck dock will be connected into an existing catch basin within the existing pavement.

Erosion control measures consist of the installation of silt fence wrapping on the existing and proposed catch basin structures. The amount of disturbance is very limited, with no direct impact to the wetlands, and 160 S.F.+/- of impact within the upland review area.

Other alternatives to the truck dock were considered, but due to the need to be able to readily deliver items to the proposed Aldi store, a truck dock was considered a necessity. All alternatives in configuration would require the installation of the storm drain pipe and therefore would require the impact within the upland review area.

The following construction sequence will be followed and will be added to the final plans:

1. Meet with Town staff prior to start of construction.
2. Coordinate with Plaza owner for maintaining and protecting existing pedestrian and vehicular traffic during construction.
3. Field locate all existing utilities. Protect during construction.
4. Wrap existing catch basin grates with silt fence.
5. Sawcut and remove existing pavement. Remove from site.
6. Relocate any utilities as required to provide sufficient cover.
7. Excavate to required depth.
8. Install proposed storm drainage.
9. Underpin/support existing foundation as required.
10. Install pavement, concrete pads, sidewalks, etc.
11. Install Guardrail, bollards, etc.)
12. Clean up site,
13. Remove silt fence from around catch basin grates.

Bednaz, Katie

From: Galen Semprebon [GSemprebon@designprofessionalsinc.com]
Sent: Friday, November 06, 2009 11:06 AM
To: Bednaz, Katie
Cc: Leanne Wheeler; Benjamin Wheeler, R.L.A.
Subject: Aldi, Inc.
Attachments: Wetlands Narrative.doc

Katie

I have enclosed a wetlands narrative and construction sequence for your review. Please let me know if you need anything else.

Have a great weekend.

Galen

Galen Semprebon, P.E., LEED AP
Principal & Executive Vice President
Director of Engineering

Design Professionals, Inc.

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11/6/2009

OTHER BUSINESS